

**Alabama Public Library
Trustee Manual**

Authored by George Stewart
for the
Alabama Public Library Service

Lamar Veatch, Ph.D., Director

2000

Introduction

This manual is prepared as a guide for the trustees of Alabama's public libraries. Sincere appreciation is expressed to the staff of the Alabama Public Library Service and to the librarians and lay leaders who worked on its content and preparation. Those individuals include:

Margaret Bethea, Trustee, Homewood Public Library
Annie Lucas Brown, Alabama Public Library Service
Donna Dickey, Trustee, B. B. Comer Memorial Library
Bettye Forbus, Director, Houston-Love Memorial Library
Bonnie Lee Gray, Director, Baldwin County Library Cooperative
Edith Harwell, Director, Homewood Public Library
Margie Huffman, Director, Auburn Public Library
Lamar Veatch, Director, Alabama Public Library Service
David Smith, Trustee, Auburn Public Library
Shirley Spears, Director, B. B. Comer Memorial Library
Alice Stephens, Alabama Public Library Service
George Stewart, Consultant
O. A. Wilkerson, Trustee, Montgomery City-County Public Library

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CHAPTER 1

WHAT AM I SUPPOSED TO DO?

When we are approached about accepting a position on a committee or board, our first comment is often "What do I have to do?" Sometimes the question is asked to insure that we do not take on more than we can handle. At other times, the question may reflect our true ignorance about what is involved. Regardless of your interest in serving as a trustee of your local library, you may not be certain of what is expected of you - or needed from you. The purpose of this manual is to give you an introduction to public library matters. This manual will not provide all of the answers, particularly about your local public library. However, it should help you to better understand the questions - and to better understand the issues with which you will be involved as a trustee.

The Code of Alabama is not my idea of exciting reading material.

Before discussing your specific duties and responsibilities, we will give a brief introduction to library laws. You probably are serving on the board of an established library, so you probably will not be involved in establishing a library. However, the law does give important information as to how boards are appointed and about their responsibilities. The law also discusses options for jointly funded library service, which might be of benefit to your community now - or in the future. Across the state, questions are regularly raised regarding how library boards should proceed on given issues. These issues might relate to relations between the library board and its appointing authority, questions as to who supervises library employees, inquiries as to the authority of a library board to own property, or questions as to how improved benefits can be provided to library employees. The Attorney General is responsible for answering such questions, by interpreting the intent of the law. Opinions of the Attorney General regarding public libraries will be cited in an attempt to answer questions that may arise in your library.

I wonder how we select officers on the library board.

It is important that your library board functions in an efficient, responsible, and legal manner. We will devote a brief chapter to board bylaws, which provide the ground rules and instructions for your board's decision-making process. Your board may not have taken the time to develop a set of bylaws. Even for a long established library board, putting down on paper its operating rules can be a valuable effort. Written board bylaws are required to qualify for State Aid. And, if your board's bylaws were written long ago, it might be a good idea to review them. Do they really reflect the manner in which the board regularly conducts its business? If not, it might be time to amend your bylaws.

As with other documents that will be mentioned, the manual provides a sample set of bylaws. The guides and samples are included in the Appendix section at the end of the manual. Many of these documents will require some customizing to meet the specific needs of your library and its community.

Everyone, except me, seems to understand what is being discussed.

One of the most important tasks of any trustee of any organization is to understand the organization and its business. As a newly appointed trustee you have a golden opportunity to ask questions. If you are a long-serving trustee, there will be new topics that you do not readily understand. If it has been years since the board reviewed policies and procedures, questions are probably in order.

There are basic questions that every trustee should be able to answer fully. This information should be freely available to all trustees, particularly since they are legally responsible for the library's operation. Still, it is amazing how many times trustees cannot answer basic questions about their library's operation. These questions might include:

- Where does the library get its operating funds?
- Who prepares the budget, and how is it presented?
- Does the library qualify for any State or Federal funds?
- How many employees does the library have?
- Does the library use volunteers?

- Do we have job descriptions for our employees?
- Who sets pay scales?
- Are library employees' salaries comparable to those of other city or county employees?
- How much do we pay the Director?
- How much would we have to pay to replace the Director?
- What qualifications should the Director have?
- Do library employees have the same health insurance as other city or county employees?
- Can library employees participate in the State Retirement System?
- We have needed a new library for years. Are we working to solve this problem?
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- What percentage of our budget do we spend for library materials?
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- What happens if someone doesn't like the books we have selected?
- Do we have an Internet use policy?
- Do we filter Internet use for children?
- Why is our building so poorly maintained?
- Are our financial records audited on a regular basis?
- What is LSTA, and where is APLS?

That last question brings up another topic. Like all professions, librarianship has its own private language. The professional literature, a representative from the Alabama Public Library Service, and your library director may seem to speak in an unknown tongue. Usually the strange words are actually acronyms for terms or agencies. APLS is the Alabama Public Library Service, and it is located in Montgomery. LSTA is the

Library Services and Technology Act, through which most Federal funds for public libraries are provided. Often used acronyms are identified throughout the manual.

***Only after we were sued did I know that we did not have a staff policy manual,
or why a policy manual is needed.***

Policies are the decisions as to how the library will handle particular situations. Policies are best made before the situations develop. As hinted in the heading above, the best time to develop a policy regarding nondiscriminatory employment is before you are sued. As a trustee of an institution that is funded by tax dollars, and that attempts to meet the varying needs and desires of the general public, some of your decisions will be called into question. Most often the questions will arise not in response to your personal actions but in response to how the library of which you are a trustee operates.

Most policy problems for library boards center around personnel policies and intellectual freedom. Questions regarding personnel policies are generally raised by either job applicants who feel that they have been discriminated against in hiring, or employees who feel that they have been unfairly (or unequally) dealt with in some employment situation (e.g., promotion, pay, benefits, etc.).

Questions regarding "intellectual freedom" often will not use this phrase. Some citizens will complain because the library has used public funds to favor conservative causes. Others will complain because the library has used public funds to favor liberal causes. These patrons will be complaining about the same "political" or "economic" section of your collection. Some will complain because the library encourages pornography. Others will complain because the library does not adequately cover the arts. These patrons will be complaining about the same "art" section of your collection. Some will complain because you house material on the devil. Others will complain because you do not have material on angels. These patrons will be complaining about the same "philosophy" or "religion" section of your collection. In attempting to fairly represent all views, there is a very thin line between pleasing everyone and angering everyone.

Because personnel and intellectual freedom are such important (and difficult) issues, the manual will devote sections to the policies needed in these areas. In addition,

a section will deal with general policies needed by every library (e.g., the homeless, unattended children, gifts, open meetings, etc.).

Who runs the library?

The trustees are responsible for determining how the library will be operated, for setting policies, for fund-raising, and for employing a director. Running the library on a day-to-day basis is not their job, nor should they attempt it. Conflicts between the director and the board (or more often a board member) are frequent. Such conflicts often are the result of a misunderstanding over whose job it is. It isn't the director's job to set policy, although the director's input is crucial. It isn't the board's job to run the library, although it must be operated under their guidelines and policies. The manual will attempt to clarify the conflicting and supporting roles of the library board and its director.

Where can I learn more about my job as a trustee?

There are many sources of information, training, and just plain encouragement. The manual includes information regarding publications and organizations that might make your job easier. Many of the resources will be available at your local library, on the Internet, or by loan from the Alabama Public Library Service. Organizations of interest vary from local groups to national associations.

Many of the same meetings that will help your director will be of value to you as a trustee. The **American Library Trustee Association (ALTA)** is a division of the American Library Association. Its specific goal is to assist library trustees. The **Alabama Library Association** has a Friends and Trustees roundtable, as a part of the Public Library Division. During its meeting each April, programs are offered to benefit public librarians and trustees. The **Alabama Public Library Service (APLS)** offers books and other materials for trustees and provides training and continuing education opportunities for trustees.

What does APLS do for my local library?

This is a good question, and it provides the opportunity to give you a look at the statewide operation of public libraries. APLS provides direct services to libraries, as well as serves as the conduit for the distribution of State and Federal funds. APLS is also charged with the responsibility of gathering statistical and service information regarding Alabama's public libraries. With such information the agency is responsible for developing long-range plans for service, automation, training, etc. Chapter Seven provides detailed information on this important agency and the services it provides to your library.

CHAPTER 2

HOW IS A PUBLIC LIBRARY ESTABLISHED IN ALABAMA?

How is a public library established?

In Alabama, all public libraries and public library systems are agencies of local government. Local government (whether county commission or any of the various forms of municipal structure) may establish and fund its own public library, may jointly establish and jointly fund a public library with another local government body, and may contract for varying types of library service from another jurisdiction's library. In all such transactions, the agency responsible for overseeing the library is the library board.

The legal authority for the establishment and operation of public libraries is generally found in Chapter 90, "Free Public Libraries," §11-90-1 to §11-90-4 of the *Code of Alabama, 1975*. The law also provides for the creation of "Public Library Authorities" (Chapter 57, §11-57-1 to §11-57-26). Such authorities are separately incorporated entities with the right to hold property, issue bonds, etc. There are also examples of special legislation to meet a particular situation. For example, the North Shelby Public Library serves a "library district" - and is supported by mandatory dues calculated like an *ad valorem* tax. Such a district is organized much like a "fire district." Such library districts are common in other states but have not been widely utilized in Alabama. Noting that some exceptions exist, most attention will be given to the provisions of §11-90-1 to §11-90-4.

The enabling legislation is broadly worded and provides for considerable variation in how a local library is organized and functions. While such vagueness can be frustrating and confusing, the flexibility has generally enabled communities to have the type of structure that works best for them.

Because much of the enabling legislation is indefinite, there often arises a question as to what actually was intended - or what is allowed. It is the role of the Attorney General to provide interpretation and application of the law. These "opinions" are very important in that they provide direction and opinion upon which counties, municipalities (and the agencies thereof) may rely in making decisions. It is worth noting

that any library board may seek an Attorney General's Opinion regarding any issue that seems unclear. The library board may request an Opinion of the Attorney General through its county or municipal attorney or refer the matter to the Alabama Public Library Service (APLS). An Assistant Attorney General is assigned to work with APLS, so going through the agency may get a more timely response. Also, questions of concern to one library board often are of importance to another. By involving APLS in the process, all library boards can be made aware of opinions that may impact their actions.

§11-90-1. Powers of counties and municipalities as to establishment and maintenance of free public libraries.

This section provides the authority and maintenance of a public library. County commissions and the governing bodies of municipalities may establish a library by appointing a library board, and forwarding an establishment resolution to the Alabama Public Library Service. Authority is given to any such body to establish a library, and (a very important provision) to fund "free public libraries." Too often local officials forget that the word "free" refers to the type of service provided to the public, not to the cost of the operation. In addition to being authorized to provide funds from the public treasury, gifts and funds for the support of the library are authorized from any legitimate source. The actual library operation is placed in the hands of that all-important body of citizens - the Library Board.

How is a library board appointed?

§11-90-2. Library Boards - Composition; appointment and terms of members; vacancies in office.

Library boards created under Section 11-90-2, and which are appointed by a single county or municipality, are authorized to have five members. There are library boards that predate this law and have more members. None has less than five. Where such a library board has more than five members, the Attorney General has ruled that the appointing authority may reduce the number to five.¹

¹ Attorney General's Opinion of March 30, 1990 to Carl Allen, Mayor, Stevenson, Alabama.

Library Board members serve without compensation. However, they are entitled to the reimbursements of expenses incurred while carrying out their duties as a library board member. There is no prohibition to their expenses being paid to attend state, regional, or national meetings on behalf of the library board. In fact, funds are available from APLS to assist board members in attending continuing education activities - such as the American Library Association.

The process for selecting and appointing board members is vague, and this has been more helpful than not. Generally, the appointing authority (whether county commission or governing body of a municipality) has the power to appoint anyone they choose. There is no residency requirement, although appointing authorities may have such requirements.² The appointing authority may appoint its own members to the library board.³ However, they are appointed as individuals – not by virtue of their office. Hence, an individual board member is not automatically replaced by his successor in political office.

Although the library board may not be a self-perpetuating organization by appointing its own members, the library board should take great interest in who is appointed. In many communities the appointing authority asks the library board to submit names or to suggest new members. Such a request indicates a close and trusted relationship, but the appointing authority must make the actual appointment.

Many boards have "advisory members," such as the President of the Friends. Such advisory members may be very valuable and provide needed visibility in the community. However, they are not legal members - unless they are actually appointed in their own names.

² *Ibid.* and Attorney General's Opinion of September 1, 1977 to A. J. Cooper, Jr., Mayor, Prichard, Alabama.

³ Attorney General's Opinion of January 15, 1980 to Anthony W. Miele, Director, Alabama Public Library Service.

How long do trustees serve on a library board?

The *Code of Alabama* provides that the initial members of a library board should be appointed for staggered terms, in order to provide continuity. Initial members are to be appointed in the following manner:

- One member for a term of one year;
- One member for a term of two years;
- One member for a term of three years;
- Two members for terms of four years.

After each initial term all subsequent terms are for four years. The appointing authority has the power to fill "all vacancies, including expired and unexpired terms."

The law is silent in regards to how often an individual member may be appointed, or how long they may serve. As with any voluntary organization, mandatory term limits may remove valuable members as often as they replace non-productive ones. Most communities have found value in the long-term service of library board members. However, either by virtue of the appointing authority's policy or under the board's own bylaws, there should be some provision to involve new people on the library board.

What qualifications and attributes are needed by library trustees?

The recently published *Virginia Public Library Trustee Handbook* has an excellent section of the qualifications of trustees. Its observations are worth repeating:

"Each trustee brings to the board certain strengths, skills, talents, and personal experience that uniquely serve the library. The Board should represent a broad spectrum of community interests, occupations, and geographic areas. Such diversity assures that the library will serve the total community.

"It is impossible to represent all of the divergent interests of the service area on the board at the same time, but over a period of years the representation should rotate to include as many segments of the population as possible. A well-balanced board can bring in less-experienced members who will provide new viewpoints.

"Competencies necessary to fulfill board duties should also be present in the overall composition of the board. Collectively, the board should strive to have:

- rapport with the entire community;
- occupational diversity;
- political acumen and influence;
- business management/financial experience;
- legal knowledge;
- diversity of age, race, and sex; and
- varied personal backgrounds.

"Appointing authorities and individual candidates should be given a written statement of the duties and responsibilities of membership on the library board. An interested potential board member should not accept if lack of time or other commitments prevent full participation.

"Effective trustees are citizens who have:

- interest in the library and the community;
- time to devote to board responsibilities;
- awareness of the library's role in the community as a center of information, culture, recreation, and lifelong learning;
- knowledge of the community and its diversity;
- ability to think and plan creatively, to question objectively, and to carry out plans effectively;
- skill in establishing policies for effective and efficient operation of the library;
- sound judgment, a sense of fiscal responsibility, and political awareness;
- willingness to represent the library at meetings and public functions; good communication skills; the ability to relate to the public; and
- interest in working with local, state, and national library leaders and trustees to improve library service on all levels." ⁴

Can a board member be removed?

Because the appointment of a library board member has important implications, such a member may not easily be removed. The board's bylaws may state that any member missing a certain number of meetings will be replaced, but such action may cause considerable community fallout. The Attorney General has stated that

"It appears that a member of the Library Board may be removed before their term is ended only when the Board member is not acting in the best interest of the citizens of the county in connection with their public library." ⁵

This carefully worded statement does nothing to define what constitutes action worthy of such removal.

The Attorney General has ruled on several occasions that the appointing authority may not simply abolish an existing library board. On some occasions the appointing authority has decided that the community would be better served by having the library

⁴ Pp.4-5.

⁵ Attorney General's Opinion of April 2, 1975 to F. Gillis Doughtie, Director, Montgomery City-County Public Library.

operated without the intervention of a library board, for example, as a city department. The appointing authority may not abolish its library board and continue to operate a public library.⁶ Nor may a Mayor, on his own, remove board members.⁷

What are the responsibilities of a library board?

§11-90-3. Library Boards - Powers and duties

As indicated by the above-mentioned laws and the opinions of the Attorneys General, the Library Board is responsible for library operations. The Board is granted full power and authority to:

- Control the expenditure of all funds received or appropriated for the library;
- Erect or rent buildings, to cost not in excess of the funds available to it;
- Purchase books and equipment;
- Provide a system of library service to be made easily available to all citizens of the county or municipality through central library branches, stations, book truck service or other appropriate means;
- Elect a librarian and other employees; and
- Manage and control the said library in order to carry out the full intent and purpose of this chapter [on public library establishment and operation].

For the purpose of providing a legal and public record of its actions,

- A careful and complete record and set of books shall be kept by the library board, showing the proceedings of their several meetings and the receipts and disbursements in detail of all funds.

⁶ Attorney General's Opinion of May 6, 1994 to Patricia L. Harris, Director, Alabama Public Library Service.

⁷ Attorney General's Opinion of March 18, 1985 to Anthony W. Miele, Director, Alabama Public Library Service.

How does the library board work with local government officials?

It sounds as if the Library Board is in complete control. And it is up to that point about "cost not in excess of the funds available to it." It is at this point that the Library Director, Library Board and appointing authority often have to discuss reality. The reality is that very few public libraries have their own money. (An exception would be a "library district" and in such a case there is no appointing authority. Instead, a Board of Directors is elected by residents of the District.)

Public library boards do not own their own buildings or real estate. The *Code* makes no mention of the authority of a library board to hold property, and the Attorney General has ruled that such property should be held by the city or county that created the local library.⁸ The Attorney General has ruled that a Library Board may raise funds on its own and keep them in a separate bank account from appropriated funds.⁹ Such a question often arises when a library board sets up a separate "building fund" or other special purpose account. It should be stated again that these comments relate to library boards established by a single county or municipality. It should also be observed that the inability of a public library to own property (buildings, real estate, securities, etc.) is a major factor in the establishment of separately incorporated Foundations and Friends organizations - all of which will be discussed later.

In the real world, the library board must often work very closely with its appointing city or county. If government officials provide the majority of funding for a new building (as they almost certainly will), it is unrealistic to think that they will have no say in where the building is constructed, what features will be included, how many staff members will be required, etc. Or (to point out a positive aspect of such close relationships) if a city or county pays a clerk a certain salary, should it not be willing to pay a similarly employed clerk at the library the same salary? Likewise, county or city attorneys, building inspectors, maintenance workers, etc. may provide valuable service to the library board at little or no cost.

⁸ Attorney General's Opinion of September 15, 1981 to Claire Ramsey, President, Washington County Library & Attorney General's Opinion of March 15, 1999 to Harold L. Crouch, Mayor, Chatom, Alabama.

⁹ Attorney General's Opinion of May 31, 1978 to J. Channell, Millbrook Public Library.

In recent years, certain duties have passed to city or county authorities. The functions mandate more uniform policies among all employees. While the concern of the city or county was often to protect itself from litigation, the impact on library employees has generally been positive. Likewise, the consolidation of financial operations has taken many of the day-to-day activities (e.g., check writing, account posting, account reconciliation) out of the library.

In this changing scenario, many library boards find themselves in situations not sanctioned, or explained, by state law. Increasingly, library services are seen as vital functions of a county or municipal government. With its increased importance it is only natural that the library would be brought closer into the daily operations of other government agencies. Often the library director is actually responsible on a day-to-day basis to a county or city manager. While this *de facto* situation may create an awkward working relationship, it is usually an acknowledgment of the importance of the library to the community – and has usually resulted in the library being included more in community planning and funding.

Regardless of the day-to-day relationships, it is very important that the library board remain closely associated with library operations. No other single group should be more familiar with library policies and operations, or more concerned about the quality of library services provided to the community.

Questions about library board employees

For most of their existence, employees of library boards were not paid salaries comparable to those paid for similar jobs in other areas of city or county employment. Many officials used the excuse that library employees were not civil service employees, even though they were paid from the same public treasury for the same type of job. Many library boards feared the loss of control over the hiring and assignment of their employees.

A library board may turn over questions of general personnel policy without turning over control of their employees. Library board employees are eligible for the same pay and benefits paid to other employees of a city or county.

The following examples of Attorney General opinions may assist an individual library board in considering how its employees relate to its city or county government.

- Library board employees may be included in a government's group hospital plan.¹⁰
- Library board employees may participate in the Alabama State Employees Retirement System¹¹
- Employees of a library board are part of the municipality's personnel, if the library is not a legal entity separate from the municipality and if the personnel system does not specifically exclude library employees.¹²
- Library employees are supervised by the library board but they are also city employees subject to city personnel policies.¹³
- A library board has the authority to elect and supervise the Library Director and other library employees who are also city employees subject to city personnel policies.¹⁴

¹⁰ Attorney General's Opinion of June 9, 1977 to Patrick Tate, County Attorney, DeKalb County Commission.

¹¹ Attorney General's Opinion of July 11, 1979 to City Council, Graysville, Alabama.

¹² Attorney General's Opinion of July 30, 1981 to Jean Hester, Board Chairman, Millbrook Public Library.

¹³ Attorney General's Opinion of July 5, 1991 to Blane K. Dessy, Director, Alabama Public Library Service.

¹⁴ Attorney General's Opinion of May 28, 1993 to Patricia Harris, Director, Alabama Public Library Service.

§11-90-4. Establishment and maintenance of joint library service

The *Code* also provides that any county or municipal library board may contract with any other library board to provide joint library service. Where there is no library board, the county commission or municipal government may contract for service with a library board. The Attorney General has also issued an Opinion that public school systems may contract with public library boards for the providing of library services to the school system.¹⁵

Those reading this manual are probably already trustees - meaning that a library board has been appointed. For existing library boards, it is good to remember that contracted service can be extended to political areas without library service. Expanding the service area, and economic base, for an existing library may provide for much better service than would the establishment of an additional facility. There is a minimum tax base (population) required to fund quality library service. In many areas of Alabama, that minimum population can only be achieved by the cooperative efforts of adjacent communities.

This section of the *Code* also endows the library board with the power to "cooperate with all state and federal agencies and institutions in furtherance of the [providing of free public library service]. Various public library boards have found opportunities to provide jointly supported library service through cooperation with military installations, school districts, mental health agencies, community colleges, etc. There are also guidelines for the establishment of jointly funded library service across state lines.¹⁶ The law has given broad power to the local library board to develop whatever type of library service will best serve its community.

¹⁵ Attorney General's Opinion of September 1, 1976 to Bill Sumners, Director, Shelby County Library.

¹⁶ *Guidelines for the Development and Approval of Agreements to Provide Library Service Across State Lines* was developed by APLS, and approved in an Attorney General's Opinion dated March 25, 1980.

Obviously, there are sound reasons for considering such jointly funded service. The central costs of administration, technical service, bookmobiles, delivery vans, etc. can be spread. Shared book collections, or a shared computer system, may be a part of such a contract. The *Code* allows the contracting parties to design the cooperative agreement that works best for their communities. The contract may simply call for the sharing of certain administrative services. Or, the contract may provide for a totally unified system in which political and service boundaries are essentially invisible to library users.

It is most important that the mutual understandings regarding any shared services be actually committed to paper. The basis for any joint service should be a written contract approved by all participating parties. The contract should include the following components:

- A detailed listing of what services will be provided by which party;
- A specific statement of how funding will be provided (how much, from which party, when, etc.), and how ongoing costs will be reviewed or allocated;
- A specific description of any joint administrative board;
- A specific statement of who is in charge on a daily basis;
- A specific statement as to the ownership of any property acquired by the joint operation (books, buildings, equipment, database, etc.), and a statement of what will happen to such property at the end of the contract;
- A date at which time the contract will be reviewed and revised, or cancelled.

§11-90-4. The reporting requirements of the library board

Within the final segment of *Code* is the requirement that local library boards must provide reasonable reports and cooperate in a reasonable manner with the Alabama Public Library Service (APLS). More detailed information will be provided in the chapter on APLS. Essentially APLS is empowered to request information and statistics necessary for it to develop long-range plans of service, and to comply with the requirements of various funding agencies. In addition to annual statistical reports, library boards are required to provide the specific information requested by funding agencies. If a library board accepts State Aid funds, there are reporting requirements attached to that appropriation. If a library board accepts Federal funds (LSTA, etc.), the

sponsoring agency will require specific reports. Generally, if a library board accepts funds from any outside agency, there will be a requirement that an outside auditor review financial records. Such reports and audits are required to insure that funds were legally spent - and (this is equally important) that they were spent for the purposes approved under the grant.

Regardless of any additional reporting requirements, the *Code* requires that: "A careful and complete record and set of books shall be kept by the library board, showing the proceedings of their several meetings and the receipts and disbursements in detail of all funds." Alabama does not have specific record retention requirements for library boards. However, there are specific requirements for municipal and county records. The board would do well to follow the requirements established for its funding authority. Regardless of retention requirements, board minutes should be preserved permanently.

CHAPTER 3

ORGANIZING THE LIBRARY BOARD FOR WORK

Members of a library board are generally known simply as "board members." Directors who serve such non-profit organizations as hospitals, schools and libraries are also referred to as members of the "Board of Trustees." The American Library Association, the Alabama Library Association, and the Alabama Public Library Service identify them as "trustees." Whatever it is called locally, the Library Board is perhaps the single most important factor in determining the quality of library service that a community will receive.

The Board's duties are loosely defined in the *Code*. The Board controls the funds, secures a building for the library, purchases library materials, determines how library service can best be provided to the community, hires the librarian, oversees the library's operation, and maintains complete and legal records of its policies, actions, and expenditures.

Each phrase in this general description involves much planning and organization. For example, "controls the funds" does not begin to explain the Library Board's financial responsibility. The Library Board should be the community's agent for determining what services are needed and what they will cost; it should be the community's voice in presenting those financial needs to funding authorities; it should be the community's advocate in securing an adequate building; and it should be the community's reporter in making public all of its financial dealings and policy decisions.

Likewise "hiring the librarian" does not adequately describe the Board's responsibility for personnel. The choice of a librarian, or director, may be the single most important decision that the Board makes. Once that person is employed, the Board should not need to oversee day-to-day staff operations. (Such micromanagement often results in unnecessary conflict between genuinely concerned board members and genuinely committed staff.) However, the Board does need to work continuously to see

that properly qualified staff are hired, that pay scales are comparable to similar jobs in the community and similar library jobs in the state, that nondiscriminatory policies are enforced, and that all staff are treated fairly. The development of such policies and procedures is difficult, time consuming, and absolutely necessary.

Bylaws

In order to carry out its important and difficult tasks the Library Board needs to be organized. Because it is responsible for the business-like operation of the library, the Library Board should conduct itself in a business-like manner.

Perhaps the first step in achieving such orderly operation is the development of bylaws. As in any organization, the bylaws are the statements and guidelines that guide the organization's leaders. Bylaws can prevent many misunderstandings by stating clearly in advance what is expected and how business will be conducted. Bylaws are not a legal document in the sense of "Articles of Incorporation" or local law. They cannot be inconsistent with state or local laws regarding the library and its operation. Rather than conflict, the bylaws should enforce those laws and explain how those laws are translated into day-to-day operations.

Generally, bylaws should contain at least the following features:

Article I

- Citations to the law and legal actions under which the library and its board are created,
- Number of members on the Board,
- How members are appointed,
- Term of office for members,
- Any limitation on term of service,
- Conditions under which a member will be replaced before end of term,
- Method of replacing members.

Article II

- Where and when regular meetings will be held,
- Establish policy that meetings will be open to public, as required by Sunshine Law,
- Number required for a quorum,
- Establish *Robert's Rules of Order* as the parliamentary authority,
- How and when the annual election of officers will be held,
- Under what circumstances may a special meeting be called, and by whom.

Article III

- Listing of officers:
Chairperson or President
Vice Chair or Vice President
Treasurer
Secretary (Often the Library Director serves in this capacity.)
- Duties of officers,
- Duties of committees,
- Duties of individual board members.

Article IV

- Necessary qualifications of the Librarian (Library Director),
- Method of selection and appointment,
- Responsibilities of Librarian,
- Relationship of Librarian to Library Board.

Article V

- How the organization's bylaws will be adopted,
- How the bylaws may be amended.

Article VI

Listing of items that should be included in a meeting's regular order of business:

- Roll call of members and statement of others present,
- Approval of minutes of previous meeting,
- Financial report and approval of financial actions,
- Approval of personnel actions,
- Report of library operations,
- Committee reports,
- Unfinished Business,
- New Business,
- Adjournment.

Article VII

Date of Adoption.

The purpose of the bylaws is to provide a comforting uniformity to the library board's deliberations and actions. Bylaws should not be used to stifle discussion or simply to maintain the *status quo*. The library board should feel free to amend them whenever necessary.

CHAPTER 4

POLICIES - IMPORTANT DECISIONS

As stated earlier, the development of clear and concise policies is very important. The alternative to having clearly defined and stated policies is to spend endless hours debating the same subjects. The natural result of no, or weak, policies is inconsistent action. Inconsistency leaves any organization open to criticism and possible legal action. The time spent in developing sound and fair policies will be repaid many times over.

Why are formal policies needed?

Policies are needed for any operational question that may arise. The board bylaws contain some very basic policy statements, such as how many board members are required for a quorum. It would be foolish for the board to regularly debate whether or not enough members were present to conduct business. Instead, the board adopts a policy that three (for example) members must be present in order to conduct business. The question is answered in advance, and there is never any suspicion that a certain number was agreed upon to meet a particular situation.

In the same way, policies are needed to clearly state the board's position on critical issues. To avoid any question of unfairness, policies are better developed before the actual need arises.

What policies are needed?

Basically, two groups of policies are needed:

- **Policies relating to the library's internal operation, and**
- **Policies relating to the library's relationship with its community and patrons.**

Policies dealing with the library's internal operation could include:

- **Board of Trustees:**

- ✓ Election of officers, terms, etc. (Usually covered by bylaws¹⁷),
- ✓ Advisory members (President of Friends, community representatives),
- ✓ Advance announcement of meetings,
- ✓ Meetings open to the press and public,
- ✓ Maintenance of permanent minutes and records,
- ✓ Liability and insurance issues.¹⁸

- **Financial:**

- ✓ Sources of funding,
- ✓ Gifts,
- ✓ Budget process (who develops budget, when, to whom presented?),
- ✓ Authority to spend funds,
- ✓ Reporting requirements,
- ✓ Audit requirements.

¹⁷ See Appendix One for sample.

¹⁸ § 10-11-2 of the *Code of Alabama* states that "any board, authority or commission the members of which are appointed by the governing body or bodies of any county or municipality. . ." and any uncompensated officer of such an entity "must be permitted to operate without undue concern for the possibility of litigation arising from the discharge of their duties as policymakers." Continuing, § 10-11-3 states, "Any noncompensated officer of a qualified entity shall be immune from suit and not subject to civil liability arising from the conduct of the affairs of such qualified entity. . . ." This law should protect board members from most legal complications. However, the law specifically does not apply to staff. Regularly county and municipal agencies are sued for such things as negligent building conditions and discriminatory employment practices. While the law should give some comfort to trustees, it would be wise to consult an attorney on specific liability questions. It should also be determined whether or not the county or municipality attorney would represent the interests of the library board and trustees in the event of legal action. Should it be decided that some insurance would be beneficial, "Errors and Omissions" coverage is available through the American Library Association. Such coverage for non-profit organizations may also be available through a local insurance agency.

- **Personnel:**

- ✓ Nondiscriminatory employment practices,
- ✓ Sexual harassment policy,
- ✓ Job descriptions, including minimum requirements,
- ✓ Uniform pay scale,
- ✓ Health insurance (full time employees only?, paid by board?),
- ✓ Pension plan (full time employees only?, paid by board?),
- ✓ Leave policies - vacation, sick, maternity (consistent with that provided for other public employees),
- ✓ Continuing education opportunities,
- ✓ Chain of authority,
- ✓ Evaluation process,
- ✓ Disciplinary process,
- ✓ Grievance procedures,
- ✓ Use of volunteers.

- **Safety and Security:**

- ✓ Keys to buildings,
- ✓ Access to special collections,
- ✓ Security checks,¹⁹
- ✓ Smoking,
- ✓ Insurance of buildings and collections.

¹⁹The Attorney General has issued an Opinion that a public library "may establish a policy of inspecting personal bags or briefcases as patrons leave if: (1) patrons have adequate notice and an expectation of the search, (2) permission for the search is requested, (3) patrons are informed that they are free to leave before using the library if they do not wish to consent to the search or that they may check their bags or briefcases at the library's desk, (4) the search is visual only and individual conducting the search does not touch the patron's property, and (5) the search is not done by police officers and is not done for the purpose of gathering evidence for a criminal prosecution. . . . In lieu of having a policy of searching personal bags and briefcases as patrons depart the library, may wish to establish a policy of requiring all patrons to check all bags, backpacks, briefcases, etc. in a secure place at the front desk upon entering the library to use its services." Opinion of October 31, 1996 to Patricia L. Harris, Director, Alabama Public Library Service.

Policies dealing with the library's relationship with its community and patrons could include:

- **Accessibility of Service:**
 - ✓ Days and hours of operation,
 - ✓ Who is eligible for free service,
 - ✓ Service fees charged to others,
 - ✓ Compliance with ADA regulations,
 - ✓ Unattended children,
 - ✓ Acceptable behavior,
 - ✓ Special services for those with special needs.

- **Selection of Materials:**
 - ✓ Commitment to Intellectual Freedom,
 - ✓ Selection standards,
 - ✓ Emphasis and limitations of collection (special collections?),
 - ✓ Evaluation of collection,
 - ✓ Gifts,
 - ✓ Procedures for weeding collection and discarding materials,
 - ✓ Procedures for responding to request for removal or reconsideration of material.²⁰

"Books are the legacies that a great genius leaves to mankind, which are delivered down from generation to generation as presents to the posterity of those who are yet unborn."

- Joseph Addison

²⁰ See Appendix Two for a sample policy and procedure statement for response to a patron complaint. Copied by permission of the Birmingham Public Library from its *Collection Management Policy*, Appendix Three. See also sample letters - not to be copied, but as suggestions for how to frame your response.

- **Making Materials Available and Intellectual Freedom:**

- ✓ Adoption of the "**Library Bill of Rights**,"²¹ "**Freedom to Read**"²² and "**Freedom To View**"²³ as official policy,
- ✓ Circulation records must be kept private,²⁴
- ✓ Access to materials by minors,
- ✓ Materials, by type (e.g. reference books) that may not be borrowed,
- ✓ Loan periods for various types of materials,
- ✓ Overdue notices,
- ✓ Fines for overdue, lost, or damaged materials,
- ✓ Book reservation,
- ✓ Interlibrary Loan (borrowing materials from other libraries for your patrons),
- ✓ Acceptable Internet use and procedures.

²¹ See Appendix Three for copy.

²² See Appendix Four for copy.

²³ See Appendix Five for copy.

²⁴ See Appendix Six for copy of the American Library Association's "Policy On Confidentiality of Library Records" and Appendix Seven for copy of the American Library Association's "Suggested Procedures For Implementing 'Policy On Confidentiality of Library Records'."

§ 41-8-10 of the *Code of Alabama* recognizes the confidential nature of an individual's use of a public library and expressly prohibits the disclosure of circulation records (what items has a particular patron borrowed, or which patrons have borrowed a particular item). There are four exceptions to the general prohibition on the disclosure of registration and circulation records. The entities that may inspect these records are: (1) the library that manages the records; (2) the State Education Department; (3) the State Public Library Service; and (4) the parents of a minor child using the library. Any other disclosure requires an appropriate legal order, or the library (staff, board, etc.) will be in violation of the law. An Attorney General's Opinion of March 6, 1995 to Patricia Harris, Director, Alabama Public Library Service, further stated that a public library may not contract with a collection agency to aid in the recovery of overdue materials if such contract requires the disclosure of specific circulation records. A library may disclose to a collection agency the library user's name, address, and the dollar value of the overdue materials. As a general rule, circulation records should not be retained longer than the time required to process the loan and return of library material. It is imperative that all staff members are aware of this policy.

- **Reference and Research Assistance:**
 - ✓ Eligibility to receive reference service (non residents, out-of-town businesses),
 - ✓ Telephone reference service,
 - ✓ Fax reference service,
 - ✓ Internet reference service,²⁵
 - ✓ Photocopying,²⁶
 - ✓ Fees.

- **Outreach or Expanded Service:**
 - ✓ Bookmobiles,
 - ✓ Deposit collections,
 - ✓ Branch libraries,
 - ✓ Criteria for selecting service locations,
 - ✓ Eligibility to receive service,
 - ✓ Scope of service to be provided,
 - ✓ Use of meeting rooms for non-library purposes,
 - ✓ Reservation procedures for meeting rooms,
 - ✓ Fees for use of meeting rooms,
 - ✓ Food and beverage (including alcoholic) policy,
 - ✓ Use of library equipment.

²⁵See Appendix Eight for copy of the American Library Association's "Guidelines and Considerations For Developing A Public Library Internet Use Policy."
Also see Mark Smith's *Internet Policy Handbook for Libraries*.

²⁶Either as a part of reference photocopying, or as a separate policy, the board should establish itself as being in compliance with U.S. copyright laws. Signs should be posted near copyright machines with a basic copyright compliance statement. Such notices are available from many library suppliers.

- **Adjunct Organizations:**

- ✓ Friends of the Library,
- ✓ Foundation,
- ✓ Staff and labor organizations.

Personnel & Collection Development - Foundation Policies

Because many library board confrontations deal with either personnel or collection issues, special attention should be given to these areas. In addition to the basic outline of concerns already given, a more in-depth look at the concerns is warranted. Without specific policies, which are actually followed and enforced, trustees can find themselves in a no-win situation.

Personnel issues are difficult, for the simple reason that you are dealing with many individuals. The goal of personnel policy should be to guide and encourage employees to carry out the service goals of the library, without stifling their originality and independence. Personnel policy should be clearly understandable, consistently applied to all personnel, and fair.

The first rule should be that the Director is in charge of library operations. The well-established military rule that no person should be answerable to more than one person should be remembered. Unless there is a clear line of authority, there can be no clear line of responsibility. The trustees may guide, chastise, or replace the Director. The Director should be held responsible for seeing that the board's policies are translated into good service. However, the board should not yield to micromanagement - or seek to work around the Director. As soon as staff members see that the board can be manipulated or that the Director is not really in charge, the way is opened for much disruption and difficulty.

Personnel policy should be clear. There is an often-repeated (but not verifiable) story that General Grant kept an enlisted man near his command tent, for the purpose of reading the Commanding General's orders. Grant was not seeking their advice or approval; he was confirming that his orders were understood and clear. The best personnel policies are clearly stated, with little opportunity for accidental

misunderstanding or willful misinterpretation. If employees are expected to be on time, that is simple to state and to enforce. Even if it is clearly stated, it must be equally clear that policy will be enforced.

Continuing with the easy to understand policy of being on time, consider the importance of consistency. Bob is an excellent employee, whose only fault is that he is regularly ten minutes late. Bob would be very difficult to replace, so his supervisor overlooks his tardiness. Tom is a generally sorry excuse for an employee, and he would not be missed. One day Tom is late and the supervisor seizes the opportunity to get rid of him. Can you spell "lawsuit"?

No one will bother to argue that Tom was a good employee. They will simply point out the obvious - that the library did not consistency enforce its personnel policy. Tom will win the suit. And, worst of all personnel situations, you will have a sorry employee that you cannot get rid of.

The real problem in this account is the failure of Tom's supervisor to dismiss him for legitimate reasons. There is no requirement that you keep a non-productive employee, but it is time consuming to build a case for dismissal. It is on this "paper trail" that most personnel fights are lost. Individuals are not required to keep records showing that they are good employees. But, supervisors should be required to keep records as to whether or not an employee should be retained. The Board must insist on regular evaluations and resulting written reports for each employee. The entire record of an employee's evaluations, job assignments, salary, etc. should be kept as a permanent record. If this is not a clearly understood requirement, it will not be done. If it not done, sooner or later the omission will come back to haunt trustees and supervisors alike.

That personnel policies and practices must be fair is a massive understatement. The law specifically prohibits discrimination on the basis of race, national origin, sex, age, and religion. You cannot refuse to hire a person because of their race. You cannot pay a woman less than you would a man for the same job.

The county or municipal governmental body with which the board is affiliated may heavily influence personnel policies and administration. That appointing authority may have a personnel director, or an attorney specializing in personnel matters. It would

be good to take advantage of such a resource. In most instances it would also be wise to keep library personnel policies consistent with those of the parent organization.

All personnel policies, procedures, and practices should be written. There should be a written notice regarding all vacancies. That notice should include a statement of minimum qualifications, job responsibilities, salary range, benefits, etc. All staff members should be given copies of the same personnel documents. Every job should have a written "job description." Every evaluation, corrective interview, promotion, demotion, raise, etc. should be accompanied by a written document that is placed in the employee's permanent file.²⁷

One man's trash is another man's treasure.

This statement has been given as explanation for the otherwise incomprehensible collection of items sold in "antique" stores and yard sales. There truly is no accounting for tastes. In any good library collection will be found an abundance of "trash" and "treasures" - depending upon the individual taste and disposition of the reader. Libraries are those most democratic of agencies - actually seeking to represent and satisfy the needs of their entire communities. Ironically, when a library is most successful at representing all points of view is when it is most likely to be criticized. This criticism may be conveyed in a respectful letter or in a threat to boycott the businesses of the trustees.

The specific books under attack will vary. The issues that prompt criticism (and maybe responding support) are the same issues that are already found in your community: conservative/liberal philosophies; sexually offensive (or educational) material; "pornography;" abortion/freedom of choice; and gun control/right to bear arms. It will almost never be possible to successfully argue that the library is correct and that the citizen is wrong. In fact, in such discussions "right" and "wrong" are not reasonable conclusions because the library has a policy not to judge materials as being "right" or

²⁷ For a comprehensive review of personnel issues and their relationship to library operations see *The Personnel Manual: An Outline for Libraries*, edited by Charles E. Kratz and Valerie A. Platz.

"wrong." This issue will find its way into your board meeting, and the only adequate response is to show that you had a plan to represent all viewpoints of your community. You cannot establish good policies regarding intellectual freedom and collection development in the heat of battle. These important decisions need to be made in advance.

This manual provides copies of important documents such as "**Library Bill of Rights**,"²⁸ the "**Freedom to Read**,"²⁹ and the "**Freedom to View Statement**."³⁰ Reading these documents will provide considerable help in understanding the issues involved. These are not easy decisions. In attempting to fairly represent all points of view, you will have to advocate the library having items with which you disagree - or even find personally offensive. One of the best ways for you to understand the library's position (and hence to explain and defend its position) is to continually think of the library "as a whole." If Mr. Jones complains that you have items advocating gun control, you can explain that you also have items advocating the right to bear arms. You can explain that by offering all points of view the library is helping citizens to make more reasonable decisions. After reading both sides of the issue, patrons might find themselves agreeing with Mr. Jones - but they would have been exposed to the arguments on both sides.

Sometimes you will be called upon to defend material that you truly find distasteful. There is nothing wrong with acknowledging that you, too, take issue with the contents of a particular book. In fact, such an approach is generally regarded as more reasonable than just proclaiming that the library welcomes all books. Your library does not welcome all books. Someone goes through a conscious process of selecting the books that make their way into your library.

In responding to complaints about library materials, it is important to explain why you have them. Taking the time to go through that process can often result in a library supporter who realizes that he does not have to endorse all of the materials to endorse the library. A thoughtful letter can also assure the patron that you understand his concerns.

²⁸ See Appendix Three for copy.

²⁹ See Appendix Four for copy.

³⁰ See Appendix Five for copy.

It is always helpful to get the discussion off of a single book and onto the entire library collection although it is often hard to do so.

So before the actual time of need the board needs to adopt policies as to what will be added to the library collection, how evaluations will be done, what restrictions will be placed on what (if any) materials, and how it will respond to requests for reconsideration or removal of materials.

Your library's written Collection Development Policy must be prepared to meet the needs of your community. It should be written in a manner so that trustees, staff, and citizens can understand what it says and its intent. The policy does not have to be lengthy, but it must be comprehensive. Numerous libraries and agencies have prepared collection policies that are worthy of amendment for your use.³¹

Although we have stated that a library does not make a judgment as to whether or not books are "right" or "wrong," there is an obligation to see that your collection's material is "correct." Maintaining the accuracy of a collection by removing out-of-date materials is just as important as is adding new materials. A library that provides children with a ten-year-old encyclopedia or forty-year-old book on space exploration is not doing them a favor. Keeping a medical or tax guide that is ten years old is irresponsible. Continuing to house five copies of a past best-seller is not the best use of valuable shelf space. Many libraries get so focused on collection quantity that collection quality is compromised. "Weeding" a collection takes time and commitment. Unless the board has a policy that regular evaluations must be made, they probably will not happen.

While you are considering the importance of removing material, decide what will be done with it. Will you allow it to be sold? Remember that not every item removed from the shelf is without value. The library might not need those five copies of a past

³¹ The Birmingham Public Library has prepared a comprehensive statement of its collection policies. Although it is much too lengthy for the needs of most public libraries, it certainly contains excellent examples of any collection question that your library might face. Copies of Birmingham's *Collection Management Policy* are available for purchase from the library, 2100 Park Place, Birmingham, AL 35203.

best-seller, but a library patron might be very pleased to obtain his own copy for a reasonable price.³²

Any discussion of a collection policy cannot be complete without mentioning the Internet. The Internet has brought an unending flood of information into libraries, schools, and homes. The "Alabama Virtual Library" program contracts with major information suppliers to provide excellent resources to every citizen of Alabama. The Internet also provides hundreds of sites (sources for information) that have little or no regard for accuracy. In the rush to embrace new technologies it is important that trustees not accept the Internet as their library's reference collection.

In dealing with the Internet, the public library (and its trustees) may have to face the questioning of "filtering." A "filter" is a type of computer software, designed to restrict or eliminate access to certain subjects or web sites. The primary area of concern deals with the open access to the entire Internet by children. Unfortunately, most filters do not work well. Most either fail to restrict the undesirable material or restrict it along with valuable material on the same subject.

The American Library Association has prepared a lengthy response in opposition to filtering, and it is provided as Appendix Eight. Whether ALA agrees or not, a basic issue is that the Internet entering every library is not evaluated for quality - and contains a wealth of inaccurate and poorly presented material. By contrast, your library makes an honest attempt to evaluate the books and other print material added to its collection. The Internet does include many sites not acceptable for children (by any definition that a given community might accept). If your library places no limitations on access to materials (as advocated in ALA's position), it may receive considerable criticism from its own community. If it does limit access, it may receive the same type of criticism for failing to provide unlimited access to information. In Alabama, you should also be aware of the law regarding the dissemination or display of obscene matter.³³

³² See Appendix Ten for a sample policy and procedure statement regarding weeding and discarding. Copied by permission of the Birmingham Public Library from its *Collection Management Policy*, pp. 23-1 - 23-4. Also see Boon's *CREW Method*, an excellent collection guide for the small and medium-sized library.

³³ See Appendix Nine for a sample of an Internet policy developed by an Alabama library.

Whether or not to filter is not an easy question to decide. You will find valid (and impassioned) opinions on all sides of the issue. You need to prepare for this one. Bring in a consultant for a trustee meeting. Talk with your legal counsel regarding the issues detailed in ALA's statement. The issues are very valid and very important. It is the answers that are hard.³⁴

Why do we need a policy on that?

During your years of service as a trustee, you will encounter questions that seem too simple to dwell on. Others will arise that simply never crossed your mind. These are questions that may not find their way into your first policy manual. But, when they arise, it is wise to set a policy and be done with the question.

"Latchkey Children" is the name given to school-age children who have no one at home to supervise them after school hours. They are almost certainly present in your community, but they are not necessarily a problem. Some libraries have attempted to state that they will not serve as a community baby-sitting service. Others have come up with constructive programs that have kept young people occupied and introduced them to the library. Your library will almost certainly want to follow the second course. The difficult question often arises at closing time. It is the announced time of closing. The staff is ready to leave (they may have to care for their own children). There are children still at the library, still waiting for parents or friends to retrieve them. Does the staff simply leave them on the street? Some have been charged with negligence for doing so. Do they volunteer to take them home? Your board attorney will probably say that staff should never offer to carry children anywhere. Do you call juvenile authorities, which in many communities will be the police department? The answer will vary with your community. But, you need a policy for the protection of trustees, staff, and patrons.

Do you allow the "homeless" to sit in the library? How do you identify them as "homeless"? Will you allow them to shave in the restroom, or sleep in the reference room? Whether or not they are "homeless," will you allow them to sleep in the library? Can patrons bring their lunch and eat it in the periodicals section? Can the Girl Scouts sell cookies in the library? Can the community insurance salesman discuss his policies

³⁴ For excellent help in developing Internet policies see ALA's Internet Toolkit site (www.ala.org/internettoolkit).

with a client in the reference room? Must children be wearing shoes in order to enter the library? What type of dress is acceptable for staff members? Do you allow individuals to exhibit their artwork in the library? If so, do you require that someone approve it first? If that someone disapproves it, what is their basis for judgment?

These examples may sound petty, or they may be non-existent in your community. However, every question cited here has thrown some public library into major community turmoil. Usually, the turmoil resulted because the library board had no established policy, a staff member made what seemed to be the best decision at the moment, and (in hindsight) the decision was seen to be faulty. Policies need to be established before the time of actual need. In the absence of a policy on a given question, the board needs to take the time to thoughtfully review the question and the implications of their action. Staff can be faulted for failing to carry out board policy. Staff should not be placed in the position of having to establish policy.

Chapter 5

Trustees and the Library Director

In his excellent publication entitled *Library Trustee Guidelines*,³⁵ Jack Short identifies two important jobs for trustees:

- **Most Important Board Responsibility: Know When To Change Directors**
- **Second Most Important Board Responsibility: Know How To Hire A New Director.**

The *Handbook For Louisiana Library Trustees* summarizes these priorities in a single statement, "**The most important thing a board will ever do is hire a library director.**"³⁶

Regardless of funding, dedicated trustees, and the resources of staff and collection - most public libraries succeed or fail in step with their director. No other single factor will so set the tone of staff morale, public service attitudes, and community support - as illustrated by two book titles. Many library directors have gone into a situation of having to make *Bricks Without Straw*, and relentlessly turned the situation around and built lasting monuments for their community. Others have been thrust into *Acres of Diamonds* and not found a single stone that could be polished into a jewel. Generally, the director should be the only staff member hired directly by the board. The board must establish personnel policy and may ratify appointments, but the director should make the actual selection and employment. If a director stays for several years, he may select the entire personnel component of the library. The director will be the individual who most often represents the library to county or municipal administrators. Through public relations activities, the director will represent the library to the community. In planning for excellent service to your community, the importance of this person cannot be overemphasized.

³⁵ Jack Short. *Library Trustee Guidelines*. Consultant Publications: Avon, Connecticut, 1994.

³⁶ 1996 revised edition, p. 43.

How do we find, and hire, a good director?

In preparing to hire a director, the board must review the job description. This is a good time to consider the areas in which the library has been successful, and the areas in which it has fallen short. Adjustments almost always need to be made in the scope of the director's job, the specific requirements for the job, the pay scale, etc. Due to changes in the library's situation, specific training and experience may be needed. If you know that the library is to begin a building program, a director with some experience in that area will be helpful. If the library has experienced little budget growth, someone with a proven ability to increase community support will be an asset. In preparing your job announcement, and in considering applicants, it is very important that the board comply with all legal and equal opportunity requirements. Reviewing a few ads in national publications (e.g., *American Libraries*, *Library Journal*) will help you to word your announcement.

A goal of the board should be to hire a trained librarian, with a Master of Librarianship degree from an American Library Association (ALA) accredited program. There are situations where the board cannot afford to do this. But, begin with the question, "Is there any way we can afford to hire someone with an MLS degree?" - rather than assuming that it cannot be done. There are many libraries in Alabama where the board struggled to hire an MLS and found it to be best money they ever spent.

In considering applicants for your position it is very important to actually contact references. In talking with the reference you may gain important insights into the strengths and weaknesses of the applicant. How a person conducts himself in given situations can often be better understood through a conversation than simply through a written response. In talking with a former employer (often listed as a reference) the simple question, "Would this person be eligible for rehire at your library?" often will bring forth valuable information. In addition to the references named by the applicant, it is a good idea to also contact the person in charge of personnel at the previous place of employment. This might be a personnel officer, an associate director, or the director. There are many questions that cannot or will not be answered because of liability concerns. But, when you ask a question and the reference does not give you a straight answer, they have told you a lot.

Consider getting a credit report on the applicant. If a person has filed for personal bankruptcy or is regularly in over his head in debt, do you want him managing the library's financial affairs? You will need to state in your job ad that a credit check will be made or get the permission of the individual. They may refuse permission, but (again) they have told you a lot.

When you have decided which applicants deserve serious consideration, arrange for interviews between the selection committee and the applicants. If their interviews will involve significant travel or lodging cost, you may want to consider reimbursing such expenses. Arrange for a staff member to give applicants tours of the library, and allow them time to walk around alone. A good applicant can learn a lot about your library's operation by walking through the book stacks, checking the catalog, watching the public service staff, checking the condition of the restrooms, etc.

Sufficient time (usually about an hour) should be reserved for a thorough interview with questions and answers from all parties. Just as you expect the applicant to be frank and honest, you should respond in kind. Very few applicants will have all of the talents that you might desire. It is important that you distinguish between the characteristics and talents that are critical, and those that are preferred. Likewise, very few libraries will be ideal institutions with absolutely wonderful working conditions. Your library probably faces serious challenges in some areas (financial resources, staff development, inadequate building, political quicksand, etc.). You need to be very candid in discussing all problems that you expect the new director to be capable of solving. If you never mention a situation and then expect your new director to resolve the matter, you may be off to a very poor working relationship.

Having hired a director, the library board has ongoing obligations to him or her. Earlier we have mentioned the responsibility of each trustee to be knowledgeable and supportive of the library and its programs. In addition to the need to support the director, the library board must provide opportunities for continuing education and regular evaluations with resulting reports.

How can we help our director stay up to date?

Perhaps no other professions are changing so rapidly as are those related to information. If your library is to retain its professional integrity in the community, the trustees must commit to keeping the collection and other information sources current and to enabling the staff to grow professionally. There are numerous opportunities for professional growth, or continuing education. Many are available near to home at little additional cost. Continuing education opportunities are provided through various meetings, sponsored by the Alabama Public Library Service, through regional training opportunities conducted by SOLINET and sponsored by APLS, and through professional organizations such as the **Alabama Library Association**. Other programs require travel and lodging expense but are well worth the investment. The biennial meetings of the **Public Library Association (PLA)** are first-class opportunities for training. In addition, the meetings provide great opportunities to visit trade exhibits and see what new products and services are being offered. Perhaps most importantly your staff will have the opportunity to meet with colleagues from across the country, and to learn from them. Meetings for public librarians are also a part of the annual program of the **American Library Association (ALA)**.

How is the director's job performance reviewed?

Communication is extremely important in any relationship. In the relationship between the library board and the director, communication is essential. In addition to routine memos and comments at meetings, the board must evaluate the performance of the director on a regular basis. This is not to say that the director should constantly be "under the gun" and subject to every criticism. But, more often the case, the director receives insufficient feedback and often operates with inadequate knowledge of what the board expects. At least annually the board chairman, the board's personnel committee, or the board as a whole should meet with the director and review operations. They should review specific successes as well as failure to achieve objectives. They should review failings not so much for the purpose of assigning blame but for formulating solutions. They should review the director's relationship with staff and community. They should

frankly discuss problems that have been observed or reported. They should agree on actions that should be taken, and goals and objectives for the upcoming year.

The director should be told how he is doing in the eyes of the board. If he is doing an excellent job, the director should be told so. As in every area of employment, doing a good job should be reflected in the paycheck.

If the director is not doing an acceptable job, that should be clearly stated. If a specific period of time is allowed for improvement, that should be stated. And a review should be scheduled for the appropriate time to review progress or failure. Whatever the results of the evaluation, a written report should be added to the director's permanent personnel file.

There are high expectations that are not achieved. There are people who just cannot work together. There are people who will lie about the work they do. There are people who will steal - perhaps actually your money, but more often your time and resources. There are people who will abuse, intimidate, or threaten those who work with (usually under) them. There are likeable people who are just lazy. There are people who really do not know how to do the job for which they have been employed. Some of these people will be found in virtually every work situation. In your library the trustees often may not know the specifics of a given personnel matter because the director handled it.

But occasionally, such a situation will involve the board and the director. If the board has been doing a conscientious job of evaluation and communication, most such situations will not just appear. Criminal acts may be discovered "out of the blue," but those are very unusual. Problems relating to personnel matters, poor performance, the inability to accomplish goals, and poor administration will usually be long-standing and documented. The evaluation process should have made the director aware of the problem and placed him on notice that change was expected. Usually a director will be intelligent enough to understand the situation and will make a career move. However, some people never quite get the message. Others fully understand the message, but do not believe that the board will follow through. Time will not solve senior personnel problems (except perhaps where the director is going to retire in six months).

Chapter 6

Funding

Local Funding

Most funding for your library's operation will be provided by local funding, i.e. funds provided from the tax base of the county or municipality served by the library. The procedure by which budgets are requested and approved varies from community to community. Generally, the library director will develop a proposed budget - based on anticipated operating costs and proposed sources of funding. The sources of funding may include late fees, photocopy charges, meeting room charges, etc. The largest segment of support will almost certainly be that provided by local government. The library board should consider the director's recommendation and formally approve a budget request from the local government. When the request goes to the county or municipality, it should be the request of the library board. The budget process is probably the most important annual event for the library. Trustees should be completely familiar with the request as well as the library's overall budget and be able to convey to local officials why the financial support is needed. Trustees provide the most influential voice in obtaining adequate financial support for the library. The director will often be called upon to voice the request, but the trustees should be present in total support. It is not the director's library, or the director's budget request.

Some communities have gotten special legislation approved that allocates certain types of taxes to the library. These special allocations include taxes on beer, video rentals, etc. Theoretically, it is possible to have special support from virtually any taxable source. However, almost all such taxes must first be approved by the legislature and then through a local referendum.

The supplemental tax any community can choose to use

There is a source of financial support that may be used by any county or municipality. State law³⁷ allows any community to tax itself at the level of .5 mil on all real property. This supplemental *ad valorem* tax may be collected after a local

³⁷ See Amendment No. 269, "Special Property Tax By Counties Or Municipalities For Library Purposes," *Code of Alabama*, 1975.

referendum. The tax is collected by the county tax collector and is designated for library use. In many communities .5 mil will not produce significant dollars. But, significant support would be provided for many local libraries. At present only two or three local libraries use the tax.

In addition to annual operating costs, funds will be needed for special expenses (equipment, building construction, building repair, bookmobile). Most communities budget such items separately from the "operating budget." Construction funds are almost always handled as special and unusual situations. In developing a request for construction funds, the board must do considerable preparation. Obtaining approval for construction funds is usually a multi-year process. The trustees must be able to answer detailed questions as to why a building is needed, the improvements that it will bring to the community, how it will be staffed, etc. The most common problem involves the estimating of actual costs. Because the process will almost certainly take several years to complete, the board and staff must be careful not to underestimate costs. It may appear difficult to get the full amount approved. But, it will be even more difficult to go back to funding authorities when the bids are taken and available funds are totally inadequate.

State Aid

Supplemental funding for public libraries is provided through the Alabama Public Library Service. Funds for State Aid are included by the legislature in the annual APLS budget. State Aid funds are distributed on a *per capita* basis, using formulae approved by the Executive Board of APLS. See Appendix Eleven for detailed information regarding State Aid requirements, acceptable uses, reporting requirements, etc.

State construction funds

Beginning in FY 2001, APLS will be providing limited assistance with construction through a competitive grant program. The Executive Board of APLS will adopt guidelines.

Library Services and Technology Act (LSTA)

Federal funding to the states for public libraries under the Library and Technology Act (LSTA) is administered by the **Institute of Museum and Library Services**.³⁸

Priorities for programs and available funding are established annually. The Alabama Public Library Service distributes guidelines for annual programs for which Alabama libraries may apply. Recommendations, regarding which grants to fund and their level of funding, are prepared by the LSTA Advisory Council and sent to the APLS Executive Board for action. APLS administers all competitive grants funded through LSTA.

E-Rate/Universal Service

funding is available through the Telecommunications Act of 1996 to assist libraries and schools in their telecommunication and Internet costs. Funding is provided to virtually any public library (or public library system) on a rather convoluted formula, based on the number of children eligible for free or reduced lunches in the corresponding school district. The process can be intimidating, but the costs of modern telecommunication service and equipment are high. E-Rate can provide very significant reductions in cost. For a complete description of the program, its guidelines, the application process, etc., see the Universal Service web site for assistance to schools and libraries (www.sl.universalservice.org). Assistance with the process is provided by APLS.

Grant requests to foundations and trusts

Funding, particularly for special projects, can often be obtained from foundations and trusts. There are huge national foundations, that could provide virtually any level of support - but competition is very intense. Complete information on virtually any grant-awarding foundation can be found in materials published by the Foundation Center. Complete collections of the Center's material are held in the Birmingham, Huntsville and Mobile public libraries.

Local foundations and trusts are often the best sources of special funds for your library. Many banks administer trusts and foundations of various descriptions. Many

³⁸ For detailed information on IMLS and its grants and programs, see its web site (www.imls.gov).

other private foundations range from family ventures to the philanthropic services of large corporations. A complete guide to Alabama foundations can be found in the excellent guide published by the Birmingham Public Library.³⁹ Information is provided regarding the type of grants funded, the normal size of grant, the grant-awarding schedule, and contact information.

Because public libraries may not own property (real property, securities, etc.), many have established their own Friends or Foundation.⁴⁰ Such organizations have the advantage of being able to receive and own property and to be qualified as charitable organizations - recognized as such by the Internal Revenue Service. The ability to receive tax-deductible gifts provides a significant advantage in any serious fund-raising effort.

How do I help raise funds for the library?

Working to find financial support is one of the most important roles for any trustee. For the board members of many charitable organizations the guideline for fund raising is: "Give it, get it, or get off [the board]". For most public library trustees the emphasis on fund raising is not so strong. However, trustees should never forget their responsibility in this area - or the great influence that they can have on elected officials. The word is distasteful to some, but the process by which we seek to influence public officials is generally referred to as "lobbying".

Lobbying efforts may deal with matters other than money. There may be a need to make officials aware of specific situations that may be improved (or worsened) by legislation. Still, funding requests are those that we most readily identify with the lobbying process. In your role as trustee you may be called upon to support funding for your local library, funding for statewide programs that may benefit your local library, and funding for national programs.

In regards to local funding you may contact your county commissioner, mayor, city council member, etc. Usually, you will be reinforcing the library board's request for

³⁹ Daniel R. Cusick, ed. *Alabama Foundation Directory*. Birmingham: Birmingham Public Library, 1996.

⁴⁰ For information and practical assistance in establishing a 501(c)(3) organization see: Anthony Mancuso's *How To Form A Nonprofit Corporation*.

the annual budget or for a special allocation - such as a building project. Your personal contact is important because you are seen as a trusted member of the community (otherwise you would not have been appointed to the board), and because you have personal ties to the people making the funding decisions. Personal ties are very important. Elected officials (like everyone else) are most likely to listen to, and to have confidence in, people they already know. They already know you. They appointed you to the library board. They know it is your job to represent the interests of the library, and they will appreciate your contact. The all-important matter of fund raising should not be left solely to the director. Often paid staff are seen to have a vested interest in the request. Often the director is not a long-time resident of the community.

There is someone in the decision-making process who you know better than anyone else on the board. Make it your responsibility to see that that particular person is kept aware of the library. Do not limit your contacts just to requests for funding. If the library has a special program for children, let them know. Should the library win an award or receive special recognition, invite them to the ceremony. Introduce them to the director. Keep them aware of the library's daily activity in the community, not just its annual request for funding.

While they may feel comfortable contacting someone at the local government level, many trustees withdraw at the prospect of contacting state officials. Often they do not personally know the individual. The process by which legislation is approved intimidates them. They are not certain who to contact or how to reach them. Sometimes we feel that our comments will not be heard or appreciated.⁴¹

Actually, state legislators are usually very receptive to comments - even though they may not be able to grant your request, or may choose not to do so. Most state funding is the result of regular and long-term contacts. The same rules apply in contacting state representatives as were discussed in regards to local funding, except you may not personally know each other. The first rule of state lobbying is to become known to your legislator. When they learn who you are (particularly if you are from their district), they will welcome your comments.

⁴¹ A listing of all legislators, committee assignments, status of pending legislation, etc. can be found at the Alabama Legislature's web site (www.legislature.state.al.us).

They may do more than welcome your comments; they may actually appreciate them. Legislators are confronted with an insurmountable stack of paper at each session. It is not humanly possible for them to read, comprehend, and remember all that comes across their desk. It is not coincidence that the groups who stay in touch with the legislature get their legislation passed. Chances are your representative knows very little about libraries and how they are funded. In Alabama, state funding for public libraries is provided through the budget of the Alabama Public Library Service - and is included in the Special Education Trust Fund. The Trust Fund is a massive budget and includes funding for hundreds of state functions. Funding for public libraries is an insignificant (except to public libraries) portion of that total budget. You can become your representative's resident expert on public libraries. When the budget is being considered give him a call or drop him a note. Your comments do not have to be lengthy or argumentative. Just remind him that support comes to your local library through funds provided to the Alabama Public Library Service and that you appreciate his support of your local library. He may have no idea that a portion of the APLS budget actually goes directly to his community. When support is provided, be sure to send a note of appreciation.

Lobbying at the Federal level can be even more intimidating. Big money and power groups influence much of the legislation. This powerful organization and that wealthy individual regularly contact members of congress. Your congressman has probably not received a letter today from a constituent regarding library service. If your library receives a LSTA grant, write your congressman and say thanks. The check will come through APLS and your congressman will have had nothing to do with the actual award process. But invite him to come and actually hand the check to the library board. Invite the press; make a big deal of it. If your library gets a significant rebate in telephone costs (as many in Alabama do), be sure that your congressman knows that funding for Universal Service is actually reaching your library. If your congressman supported the legislation making these grants possible, he will be glad to know that his community is actually being helped - and that his local constituents know it. If he did not support the legislation, your contact may make him more receptive next time.

Chapter 7

Alabama Public Library Service

The Alabama Public Library Service (APLS), the State Library Agency, is often referred to by librarians as the “Library’s Library.” Although the reference is descriptive of one of the agency’s major functions, APLS serves all citizens of Alabama through services provided directly to individuals and state employees, via on-site visits, telephone, fax, the Internet and The Alabama Virtual Library from the library agency in Montgomery.

The agency grew from a Division of the Department of Archives and History and was established as a separate entity by Act 600 of the State Legislature in 1959. APLS is charged by statute (Code of Alabama, 1975, Section 41-8-1 *et seq*) to develop a cooperative system of providing books and library services for municipalities and counties and to advise all free public, regional, municipal, and county libraries and communities on establishment and operation of library service.

The seven-member executive board of the agency is appointed by the Governor and required to make an annual report to the Governor describing public library conditions and progress in Alabama. Members of the Board are appointed for five-year terms. Each member serves as the representative of one of Alabama’s seven congressional districts. The APLS board operates in a fashion similar to local library boards as it is empowered to hire a director, establish policy and oversee the agency operations.

The objectives of the Alabama Public Library Service are:

- To provide library services to the citizens directly or through local libraries.
- To provide library services for those with special needs through the Regional Library for the Blind and Physically Handicapped.
- To provide library services to employees of the State of Alabama to meet their work-related information needs.
- To assist in establishing cooperative library services and networks.
- To provide continuing education opportunities for librarians.
- To provide consulting services to public libraries

To accomplish the established objectives the agency provides services to individuals, libraries and institutions through its divisions:

- Office of the Director
- Research and Statistics
- Administrative Services
- Networking, Planning and Development
- Regional Library for the Blind and Physically Handicapped (BPH)
- Information Services
- Technical Services
- Automated Services

The Agency is responsible for the administration and distribution of **STATE AID FOR PUBLIC LIBRARIES** and an annual competitive grant program under the **LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA)**. In fiscal year 2000-01 the State Legislature initiated a new grant program for public libraries. Administred by APLS, this new program provides for competitive construction grants.

State Aid for Public Libraries funds are appropriated by the Alabama Legislature and distributed on a per capita basis to public libraries established under the Code of Alabama 1975, section 11-90-1 ET SEQ. Rules and regulations for the distribution of the funds are published in the Alabama Administrative Code, Chapter 520-2-2. Each library annually receives a copy of the rules as an appendix to the LSTA grant manual.

Federal funds for the LSTA grant program are appropriated by Congress and administered by the Institute of Museum and Library Services (IMLS) to meet goals established by the Act. In order to receive the funding for distribution APLS must maintain a five-year plan outlining the needs of Alabama and demonstrating how federal funds will aid in the improvement of library service to residents.

A State Advisory Council on Libraries assists the APLS board and staff in the grant process. The Council is appointed by the board and consists of 17 members representing public, school, academic, special and institutional libraries as well as library

users and a faculty representative from an American Library Association (ALA) accredited library school. Trustees of public libraries are encouraged to apply for user positions on the council as terms expire or openings occur.

A manual and application forms are distributed annually to all libraries eligible to apply for federal grants. Rules are published in the Alabama Administrative Code, Chapter 520-2-1. **OF PARTICULAR INTEREST TO LIBRARY TRUSTEES, FUNDS ARE NORMALLY SET ASIDE TO FUND PROFESSIONAL TRAINING GRANTS.** These grants enable trustees and library personnel to attend continuing education activities. Additionally it is the practice of the agency to award up to five \$1,000 grants for public library trustees to attend the national library conference.

APLS in conjunction with the Alabama Commission on Higher Education (ACHE), the State Department of Education (SDE), Alabama Department of Postsecondary and the Alabama Super Computer Authority (ASC) manages **THE ALABAMA VIRTUAL LIBRARY (AVL)**, a unique service for all public schools, publicly funded higher education, institutions and individuals in the state. The agency serves as the fiscal agent for this trend setting educational program, which provides online access to thousands of reliable resources including:

- Full-text magazine articles
- Electronic reference books
- Encyclopedias
- Medical information
- Statistical sources
- Homework aids.

INFORMATION SERVICES DIVISION includes Reference, Interlibrary Loan, Services to State Employees, Video Services and Circulation Departments. Well-trained professional librarians complemented by an efficient support staff provide the reference service. The staff provides in-depth research services, answering questions that cannot be handled at the local level. With access to a comprehensive collection, the staff provides books, periodical articles, microforms, federal and state documents, CD-ROM discs, database searches, professional materials and referral services.

Designed to supplement local resources the reference service is able to help local libraries with information on specific library material, evaluation of reference collection and interlibrary loan. As part of the service the agency maintains an extensive collection of materials about Alabama and by Alabama authors.

VIDEO SERVICES DEPARTMENT provides access to an extensive collection of VHS videocassettes. Videos are loaned free of charge to libraries, library patrons and community groups. APLS-owned materials may not be copied or used for programs where a fee is charged. The catalog of available materials is conveniently on-line and at local public libraries.

THE DIVISION OF NETWORKING, DEVELOPMENT AND PLANNING is staffed by professional library consultants with experience in library operation and management, library technology, young adult and children's services, and all aspects of professional librarianship. Consultant expertise is available at no cost to local libraries. Specialties include, but are not limited to, technology planning, library management, staff training in library and collection management, evaluation of library service and collections, organization of Friends of the Library groups, and trustee orientation. The division provides assistance with grant writing and E-rate applications for reimbursement of telecommunications and Internet bills through a federal universal service discount program. Consultants answer questions and provide assistance to librarians and trustees by onsite visits or by phone. The division maintains an active continuing education program and coordinates the statewide summer library program.

THE TECHNICAL SERVICES DIVISION acquires, catalogs and processes materials for the APLS collection. The division produces and updates the Alabama Interlibrary Catalog (ALICAT) and the Alabama Union List of Serials (AULS). ALICAT is the statewide union catalog and contains the bibliographic records and holdings of over 100 public, academic and special libraries. It is accessible via the Internet or CD-ROM. AULS is a database of the periodical collections of libraries in Alabama and the primary source for locating journal articles in the state. The experienced staff also provides direct service to public libraries and state agencies by maintaining the Government Documents collection and offering cataloging assistance, workshops and technical services support.

The **GOVERNMENT DOCUMENTS DEPARTMENT** administers the federal document collection. The agency is a selective federal depository receiving approximately 20 percent of the items that are printed by the U. S. Government Printing Office. In addition, APLS maintains a small collection of state documents. Currently the agency is cooperating with other state agencies, universities and the Alabama Library Association to develop links to on-line state publications.

THE RESEARCH AND STATISTICS DIVISION collects data from public libraries for the Annual Report to the Governor and Legislature, for the Federal State Cooperative Statistics (FSCS) program of the National Center for Education Statistics (NCES), and for local libraries to evaluate their effectiveness and aid in planning the future. The Division works in tandem with Automated Services and Networking, Development and Planning to produce meaningful reports and provide libraries with continuing education opportunities in the use of statistics as aids to library development.

THE AUTOMATED SERVICES DIVISION is charged with the operation of APLS automated support systems and provides technical information to public librarians. The division maintains the APLS web page (www.apls.state.al.us) providing direct access to the agency WEBCAT, online catalog of materials held by the agency; ALICAT, the Alabama Interlibrary Catalog containing the holdings records of numerous public and university libraries; and APLS Video Catalog (MEDIANET). At the web site library users will find posted the latest issues of APLS publications *APLSauce*, *Cottonboll*, and *Boardtalk*. Other resources available at the site are detailed descriptions of APLS services, information about the Alabama Virtual Library (AVL), LSTA information, links to Alabama Public Libraries, A Directory of the Alabama State Legislature, Alabama Public Health-Vital Statistics Records, and the APLS staff directory.

ALABAMA REGIONAL LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED (BPH) DIVISION is a focal point in Alabama for library services to blind, visually impaired and physically handicapped citizens. Through a cooperative network within the Library of Congress/National Library Service (NLS), APLS provides special format reading materials, playback equipment and other library resources to qualifying users. Free mailing privileges are provided by the United States Postal Service.

The service provides the recreational and basic informational needs of patrons in sixty of Alabama's sixty-seven counties books in cassette and record formats. Braille titles are available to patrons in sixty-four of the state's counties. Other users obtain their material through one of the five subregional libraries located at the public libraries in Anniston, Dothan, Huntsville, Talladega and Tuscaloosa. All services are provided at no charge and a special telephone number (1-800-392-5671) is provided for BPH users.

Chapter 8

Building Projects

Few projects can be as exciting, intimidating, fatiguing and rewarding for a library board as the building of a new or expanded library building. There may be individuals on the board who have dealt with some type of construction, but for the board as a whole it is usually a new experience. New libraries just do not happen often enough in most communities for boards to become familiar with the process.⁴²

There are several stages to a building project, the first being one of awareness. We would like to think that we plan in advance for needed space, but that seldom happens in real life. In most communities the public library is out of space (or out of date) long before plans begin for a new building. Sometimes the board is aware of the problem and hires a director with the specific goal of building a new facility. Sometimes the staff is aware of the situation and must educate the board before plans can move ahead. When the board and staff are aware of the problem (and convinced that a new building is needed), activity can move to making the community aware of the problem.

Planning for growth

Preparing the community to build a new library is usually a long process. Just saying you need a new building will not win much support. You need to systematically document the need in a very business-like manner. The process by which needs are determined is termed the "planning process."

Planning does not relate solely to plans for a new or expanded building, but planning is a crucial part of the building process. There are consultants and publications to help.⁴³ But, there is no shortcut to this being a lot of work. Through the planning process you will look at your community - how it is and how it is expected to change. How many school-age children are in your community? How is this number expected to

⁴² For a comprehensive and practical guide to the process of designing and building public libraries see *Checklist of Library Building Design Considerations*, edited by William W. Sannwald. When beginning a building project, purchasing a copy for every trustee would be a good investment.

⁴³ The Public Library Association offers several excellent guides to the planning process. Information about the various guides, and the process, are available from APLS.

change in the next ten years? Are there changes in residential patterns? How many citizens are over 65? Will they be the dominant portion of the community in ten years? How will resources such as the Alabama Virtual Library affect the space needed for reference books? Does community growth indicate the possible need for a branch library in the next decade? Where will schools be located ten years from now?

All of these questions, and untold numbers more, will impact what needs to be done regarding library service for your community. You must remember that you are developing a plan for library service, not just justifying a new building.

Gaining community support

Community support for your plan will be strengthened by objective, verifiable information. If generally accepted standards say that your community library should house 50,000 books and the present building has room for 25,000, that is a strong argument. If the law says that public facilities should be accessible to the handicapped and your present building cannot be made accessible, that is a strong argument. If the community encourages educational programs for children, and your library has no room for programs, that is a strong argument. If the building needs a new roof, new heating and air conditioning, is not handicap accessible, etc. etc.; is it a sound business decision to continue putting money into a building that cannot be made adequate? Does another community organization need a building the size of the present library? If so, could building a new library meet the needs of both groups?

It is important that every board member, and every staff member, understands why a new building is needed. Knowledgeable responses to "Why do we need a new library building?" given in the grocery checkout line or at church will carry much influence. At the same time that every staff and board member should be prepared for casual responses, a formal plan for public information should be prepared. Civic and study groups are always looking for programs. Put together an educational (and entertaining) presentation on what a new library could mean to the community. Set your goal to educate everyone as to why a new library is needed. Understand that you will not convince everyone. Keep making the point that this is to be "their" new library. This will take longer than you think.

Obtaining funding

Only when the need has been established within the community can you hope to obtain funding. There are always more demands on the local tax dollars than there are dollars themselves. When the community sees the library as a priority, it amazingly becomes a priority for financial decision makers. When the library is seen as an out-of-date facility, operated by a cliché, for the benefit of only a few, it will seldom gain financial support.

Often the first allotment of funding will provide for initial planning or property acquisition. At this very early stage the staff and board must make important decisions that will influence the entire project. The site is absolutely crucial, and the *Checklist of Library Building Design Considerations* provides valuable guidance in making this important decision. Do not be tempted to accept just any site because it is inexpensive – or even free. The cost of a new building should not be estimated before you actually have such information. You will almost always estimate low (in hopes of not scaring the official away), and the official will always remember that you said the library could be built for less than the actual cost. You have much work to do before you can accurately estimate cost.

Preparing a building program

In the early stages it is more important that staff and board agree on what the new library is to accomplish, rather than what it will look like or what it will cost. You will need to prepare a "building program" for your new library. You cannot expect an architect to design the building you need if you do not tell him what the building needs to accomplish. The "building program" is a very important document. If you want every area of the building handicap accessible, you must say so. If lighting should be planned so that future rearrangement of shelving will not leave areas of dark shelves, that requirement must be stated. What areas are to have emergency lighting? How many books must the library hold on opening day? How many books will be added each year? How will the building be expanded when the need arises? If you want staff to be able to visually control restrooms, you must say so. Where will you store supplies? Do you want to be able to add computer cable without tearing out the walls? If lights are

installed in a thirty-foot high ceiling, how will you service them? The list could go on and on. The point is that every feature that you want in the new building should be identified. The architect may be very talented in designing attractive buildings, but he cannot be expected to know how your library operates. You certainly want to visit other libraries for ideas. You may want to contract with a consultant to assist in the planning.

Selecting an architect

When you have reasonable expectation of getting funding for the building and you have done your homework on the features needed in the new building, it is time to select an architect. The library board may have complete freedom in selecting this important team member for your building project. Or the funding authority may have established guidelines for selecting such professional assistance. This is a very important decision. You are selecting the people who will design the building that you will have to live with and maintain for many years.

A good initial question when considering an architect is: "What libraries have you helped to design and plan?" Unless you want to spend a lot of time educating the architect, or want to live with the results of your library being designed just like any other building, experience is pretty important. Alabama has several excellent firms that have participated in multiple library projects. Neighboring states offer a similar source of talent.

When you have narrowed the list of potential architects to two or three, ask that they make a formal presentation. Give each firm all available information regarding the project (site, estimated size, estimated budget, special requirements, etc.). Ask that each firm explain how they would approach the project. Ask to see pictures of representative library projects. Ask how closely they conformed to budget guidelines on various jobs. Get the names of engineering firms that would be working on your project.⁴⁴ Perhaps most importantly, get a feel for how you could work with the architect. Does he seem open to questions or suggestions? Does he think he already knows all the answers about

⁴⁴ The architect will oversee the entire design, but others will perform key components of work. Examples of such work include: soil engineering, structural engineering, mechanical and electrical engineering, landscape design, and interior design.

your project? Ask for references and call them. Ask specific questions. You will usually receive specific answers.

It's your building; don't let others decide what you need

During the design process the board, and particularly the staff, should regularly review the developing plans. Look for poor visibility, problem traffic patterns, wasted space, inadequate storage space, etc. Make certain there is an abundance of electrical outlets and that they are where needed. You can be certain that the first versions of the plans will be severely lacking in electrical resources. Do not let the architect convince the board that changes are not needed. Changes that are simple, and relatively inexpensive, during the design stage will be messy and very expensive later. Do not accept lighting that will be difficult or expensive to maintain. If your present building has a flat roof that leaks, do not accept the argument that a new flat roof will not leak. It will. Remember that the reoccurring cost of building operation and maintenance can vary greatly depending upon the design and materials used.⁴⁵

The final building design will be a collection of compromises. Getting the architect, interior designer, five board members, and the director to agree on colors will be interesting. But, there will be more serious compromises – usually based on what is affordable. As you work through the design process you will come to recognize the things that are of lasting importance, in contrast to those that are not really worth fighting for. No matter what color is selected it will be changed in a few years. No matter how much you save on cheap shelving, it will not be seen as a bargain in five years.

At the PLA Conference in 2000 Fred Schlipf and John Moorman provided their **"27 Snappy Rules for Good and Evil in Library Architecture"**. The rules will help you to remember that you and your staff know more about the needs of your library than do many architects. They will remind you that the library you are planning will be expected to last a lifetime, and the current fashion trend is not really important in that context.

1. Few libraries have ever built enough storage space on purpose.
2. The right number of entrances to a library is anything up to one.

⁴⁵ It will pay long-term dividends for the director to study Lueder and Webb's *Administrator's Guide To Library Building Maintenance*.

3. Echoes are not our friends.
4. Even if it's stupid, as long as it's legal, you can have whatever you want.
5. Never buy a chair until you've spent at least 15 minutes sitting in it.
6. Never sign a completely open-ended contract with a professional.
7. When citizens enter a library, they want to see librarians and books.
8. The layout of a good building is intuitively obvious.
9. You can't match your carpet.
10. Reject traditional architectural forms at your peril.
11. Always show your plans to your custodians.
12. A service desk is a service desk, not a monument.
13. No matter what you call it, EIFS is still an eighth of an inch of stucco over plastic foam.
14. Carpet squares tend to look like squares of carpet.
15. Any sign worth making is worth making well, and lots of signs aren't worth making at all.
16. Never hire a consultant who works for your architect.
17. Today's trendy color scheme is tomorrow's avocado and orange.
18. Skylights cause impossible glare, but they make up for it by leaking.
19. Creating excitement with light in a library is like creating excitement with steps in a nursing home.
20. Never create a cozy corner you don't want occupied by a bag lady.
21. Even if your books are about pears and your staff are pear shaped, you still don't want a pear-shaped library.
22. You can turn HID lighting off, but you can't turn it back on again.
23. Watch your sightlines. The romantic dreams of Grace Livingston Hill fans do not include unexpected glimpses of the men's room in action.
24. No matter what turns a designer on, a library is not an airline terminal, a torpedo factory, or a Chuck-E-Cheese.
25. Task lighting and down lighting are not completely evil, but they come close enough for all practical purposes.
26. Buy Strong. There is no theoretical upper limit to the number of teenagers who can occupy a chair.
27. *Ars longa, technologia brevis.*

The bid process

The bid process usually determines the process by which the construction contractor is selected. Each local government has some peculiarities in its bid process, but essentially the job will be awarded to the lowest bidder *meeting specifications*. Normally, the architect will review the bids (along with the documentation as to subcontractors and materials) and will recommend which contractor should receive the award. Furnishings and equipment will be awarded in a similar manner.

Funding ongoing operations

The contractor and suppliers will provide estimates of completion dates and deliveries. You will have already provided the funding authority with estimates of the additional staff and operating costs associated with a new building. Now, you must fine tune those estimates and make certain that they are reported to funding authorities. It is a sad situation when a new library is completed and there are not funds for necessary staff or for additional book purchases. The building project will not be complete until construction is complete and adequate operating funds have been secured.

Chapter 9

Selected Bibliography of Related Publications

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Chapter 10

Appendices

- One - Sample Bylaws for a Library Board, p. 64.
- Two - Guidelines For Material Complaints, p. 68.
- Three - Library Bill of Rights, p.73.
- Four - Freedom To Read Statement, p.74.
- Five - Freedom To View Statement, p. 78.
- Six - Policy on confidentiality of library records, p. 79.
- Seven - Suggested procedures for implementing "Policy on Confidentiality of Library Records," p. 80.
- Eight - Guidelines and Considerations for Developing a Public Library Internet Use Policy, p. 81.
- Nine - Internet Access and Procedures Policy; A Sample Policy For Alabama Libraries, p. 87.
- Ten - Weeding and Discarding - Sample Policy, p. 90.
- Eleven -State Aid, p. 95.

Appendix One

Sample Bylaws for a Library Board

Article I: *Name, Board Membership and Responsibilities*

The name of this organization is the Board of Trustees of the Public Library, (Location) Alabama. The board shall have those duties and responsibilities authorized by the *Code of Alabama, 1975, § 11-90-1 et seq.*

The Board of Trustees is comprised of (number) trustees appointed by (indicate method of appointment for the specific board).

The first members of this board shall be named to staggered terms of one, two, three and four years. Thereafter, the term of office is four years. Vacancies are filled in the manner by which members are regularly named and are filled for the remainder of the unexpired term.

A trustee can be removed only by a majority vote of the appointing authority and only upon a showing of good cause.

Trustees serve without compensation, except that necessary traveling and subsistence expenses incurred may be paid from the public library fund.

Article II: *Meetings, Officers*

The regular meeting of the Board of Trustees shall be held at (time) on (day of the month) at (location). The board will abide by all requirements of Alabama law regarding open meetings.

The annual meeting is that held for the purpose of electing officers.

A quorum of the board consists of (number) members.

Robert's Rules of Order, latest revision, shall govern the proceedings of the board and of its committees to the extent applicable.

Special meetings may be held at any time when called by the Chairman or at the request of (number) members. All members must be notified at least (specify amount of time) in advance of a special meeting. Only items on the announced agenda may be considered at a special meeting.

Article III: *Officers and Duties*

The officers of the board shall be a Chairperson (or President), Vice Chair (or Vice President), Treasurer and a Secretary. The board may name such other officers as it deems to be needed.

Officers are elected (annually) at the regular meeting of the board in (month) and shall take office in (month) to serve for (term). No member may serve longer than (state time and/or consecutive terms).

The Chairperson (or President) shall (insert duties)

The Vice Chair (or Vice President) shall (insert duties)

The Treasurer shall (insert duties)

The Secretary shall (insert duties)

The Board of Trustees may function as a committee of the whole without appointment of standing committees.

The board may establish standing committees, which shall make regular reports. Membership on a standing committee shall be for one year by appointment of the Chairperson (or President). (If the board wishes to establish standing committees, such committees may be listed and defined by the bylaws).

Special committees may be authorized and appointed by the Chairperson (or President) for special, limited purposes and shall serve only until completion of the assignment.

Article IV: *Library Director*

The board shall retain a qualified Director who shall administer policies adopted by the board; employ, direct and supervise staff members; prepare required reports; recommend policies and procedures and promote effective library service.

The minimum requirements of the Director shall include (insert minimum requirements, e.g. Holding a Master of Library Science degree from a graduate school accredited by the American Library Association).

The job description of the Director and all other library job descriptions shall be placed in the staff manual.

Article V: *Adoption or Amendment of Bylaws*

Amendments to these bylaws, or to any policy documents of the board, may be adopted by a majority vote of members of the board present at a regular meeting subsequent to notification of the proposed change.

Article VI: *Order of Business for a Regular Meeting*

Parliamentary procedure is the accepted method of conducting business, which allows everyone to be heard as part of an orderly process. *Robert's Rules of Order, Newly Revised* is normally used as the basis for parliamentary procedure.

The order of business for each regular meeting of the board shall include the following, not necessarily in the order listed:

- Call to order,
- Roll call,
- Minutes of the previous meeting for action,
- Correspondence to the board,
- Recognition of visitors and establishing time limits for presentations,
- Review financial reports, and approve financial actions,
- Review and approve personnel actions,
- Report of the librarian, to include statistical and program information,
- Reports of officers and committees,
- Unfinished business,
- New business,
- Adjournment.

Article VII: *Date of Adoption*

These Bylaws are hereby adopted by the Board of Trustees of the (Name) Public Library, meeting at (location) on (date).

Appendix Two

Guidelines for Materials Complaints

From time to time, people may object to materials that are in the library or where the materials have been placed. Please use the following guidelines to manage complaints about materials.

1. Remember that you are representing [the library] and the fundamental principles of intellectual freedom that all public libraries uphold.
2. **Your personal views or opinions are not under consideration, nor should they be revealed. Do not take complaints concerning materials personally.**
3. **Remain calm.** Give the person an opportunity to speak. Listen carefully and maintain a nonjudgmental manner. All patrons have the right to be heard and to express their concerns.
4. Your job is to be sensitive to the individual's or group's feelings, but do not commiserate, agree, or disagree with their beliefs.
5. Do not become defensive.
6. Treat the individual or group with dignity, courtesy, and respect. Be polite.
7. Offer the library's point of view as a matter of fact. The following are some suggested ways to initiate discussion about the library's position.
 - a) Explain the library's public position and responsibility to provide materials to a diverse population.
 - b) Explain that the library upholds the principle that no one individual or group can dictate to others what they may or may not read.
 - c) Make known the library's position to provide material for all who come in, but it is each individual's choice as to what is used or checked out.
 - d) The library does not coerce people to read or use one source's opinion over another.
 - e) Explain that each person has the freedom of individual choice to make selections from a large offering and a wide variety.
 - f) Point out that we are a public library and, as such, we have a clientele that represents many viewpoints and beliefs.

- g) Explain how [the library] places emphasis on including materials that represent a broad range of beliefs, not on excluding them.
 - h) Discuss the fact that libraries, especially public libraries, do not necessarily endorse the ideas represented in their collections.
 - i) If the complaint relates to children and library materials, point out that the library staff does not assume the role of parent in restricting the access of minors to materials and services. Only parents can restrict materials and only for their own children.
 - j) Offer a copy of the Freedom to Read Statement and the Library Bill of Rights.
 - k) Offer to show the library's collection development policy.
8. If the patron remains in disagreement, ask that the complaint be put in writing. In a written complaint, the patron should explain the nature of the concern, state the specifics of what is offensive, and give an explanation for why the material should be removed or relocated. A written complaint should be addressed to the Collection Management Office.
9. If the patron remains dissatisfied, call the Collection Management Office, or have the patron call.
10. Staff members who are involved in the situation must summarize the events in writing and send the remarks to the Collection Management Office.
11. An ad hoc committee will be appointed to study the written complaint, review the material in question, and make a decision on what course to take. The committee will contact the patron or patrons to inform them of the decision and will forward the decision to the library board.

*Birmingham Public Library
Collection Management Policy
December 1998*

Sample Responses to Library Collection Complaints

Dear Mrs. ABC:

Thank you for taking time to meet with me regarding your opposition to *Art Journal*. In response to your questions I have asked the Art Department staff for information regarding the publication, and why it is in the Library's collection. I understand that your concern is in regards to a specific issue of the publication. However, we cannot subscribe to selected issues of a periodical so my comments will be as to why we have the publication.

In selecting books or periodicals we consider the reputation of the author or publisher, reviews of the publication by those who are knowledgeable in the particular area of the publication, whether or not a periodical is indexed in accepted reference sources so that its information can be located, and the place of the publication in the Library's total collection.

Art Journal has been published by the College Art Association of America for over twenty-five years. The College Art Association was founded in 1911 and is regarded as one of the country's most important professional associations dealing with the arts. In addition to *Art Journal*, the Association publishes *Art Bulletin*, *Newsletter*, *Safe Practices in the Arts and Crafts*, and information regarding graduate studies in art history and related areas. In this case the publisher (the College Art Association of America) and the publication (*Art Journal*) are regarded as important and creditable by art historians.

Whether or not a periodical is indexed has much to do with whether or not it is a useful reference tool. Whether or not any agency undertakes to index a given periodical depends largely on its perceived importance. Many periodicals are not held by the Library simply because the information which they contain is not accessible through an index. *Art Journal* is indexed in every major access to reference materials on the arts. These indexes include *Avery Architectural Index*, *Art Index*, *Book Review Index*, and *Book Reviews in the Humanities*.

As reported in the enclosed review, each issue of *Art Journal* deals with a single issue. The issue that you found objectionable dealt with the subject of censorship. Given the topic of that issue, one should not be surprised to find discussion and examples of art that might be involved in censorship. It is easy to understand that many individuals would be offended by the examples cited in this particular issue. Other issues might deal with topics that would be found objectionable by other readers.

We believe that *Art Journal* is an important element within the entire collection of the Art Department. It is not the only periodical on the topic, and other periodicals would

give other views. And that is our goal, to provide a balanced collection that reflects many different perspectives and beliefs.

We do not advocate particular ideas or beliefs, but we do advocate the right of library patrons to have access to various ideas and beliefs. Readers who find a particular publication objectionable (whether it deals with economics, art, race, or religion) are free not to read that publication. Virtually every periodical has a "Letters to the Editor" section, and readers who have a different view to that reflected in a publication should express that opinion to the editor.

I am certain that your opinion about this particular article has not been changed, and that was not my intent. My intent was to explain why we have this particular publication, and why it seems to be an important part of the overall collection. Hopefully, you will not take this explanation as a defense of the particular views expressed in the article.

Respectfully,

Dear Rev. XYZ:

I apologize for taking so long to respond to your letter. The book in question was checked out. Once it was returned it took a little time to locate reviews, find information on the author, and talk to the staff in the Literature Department.

Frisk is a book in which you and I would find few redeeming values. You observe that it portrays scenes that are "almost the exact same type as that of" Jeffery Dahmer. You are correct. Perhaps the best that you and I could say about the book is that it portrays a horrible aspect of real life. If, in fact, this book were the only place where someone might be exposed to these images we could argue that the book should not be available.

But, anyone who reads the daily paper, sees a weekly news magazine, or watches the evening news has already been exposed to situations as horrible as those portrayed in *Frisk*. Unfortunately, removing *Frisk* from this library (or from all libraries) would not change this fact. Someone's innocent exposure to such real life situations is much more likely to come through television or the newspaper than through this book.

So why do we have *Frisk*? The simplest answer is that the book is a very tiny part of the overall library collection, and it must be viewed in that context. With over 1.5 million books we have two copies of *Frisk*.

We own it because some library users like the author, Dennis Cooper. Some library users have reason to study this type of literature (maybe to determine its impact on readers). We own it because some library users like to read this type of literature, even though this particular reason may be hard for you and I to understand. We have it because a public library tries very hard to meet the needs of all of its users, without siding with any particular group. It may come as a surprise to you, but we get about as many complaints that the library holds too many books about conservative Christianity.

Not being able to totally please one group without offending another, libraries attempt to provide a balanced collection for their communities. It's a little like the first part of chapter 20 of Judges. If we read just that short section, it's a pretty gruesome tale. But taken as a part of the whole Bible that chapter is a very small part of a much larger, and more important, story. Hopefully, *Frisk* can be viewed as a very small part of the Library's overall collection. You and I can hope that it might even have some positive value if *Frisk* is seen as a story about abnormal people, who react to life in abnormal ways.

Your use of the Library, and your interest in its services, is appreciated. Hopefully, you will continue to use this great collection of human history and literature, realizing that occasionally you will come across a book that is just not worthy of your time.

Respectfully,

Appendix Three

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.
Amended February 2, 1961, and January 23, 1980,
inclusion of "age" reaffirmed January 23, 1996,
by the ALA Council.

Appendix Four

THE FREEDOM TO READ

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove books from sale, to censor textbooks, to label "controversial" books, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid: that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to the use of books and as librarians and publishers responsible for disseminating them, wish to assert the public interest in the preservation of the freedom to read.

We are deeply concerned about these attempts at suppression. Most such attempts rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow-citizens.

We trust Americans to recognize propaganda, and to reject it. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

We are aware, of course, that books are not alone in being subjected to efforts at suppression. We are aware that these efforts are related to a larger pattern of pressures being brought against education, the press, films, radio and television. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of uneasy change and pervading fear. Especially when so many of our apprehensions are directed against an ideology, the expression of a dissident idea becomes a thing feared in itself, and we tend to move against it as against a hostile deed, with suppression.

And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with stress.

Now as always in our history, books are among our greatest instruments of freedom. They are almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. They are the natural medium for the new idea and the untried voice from which come the original contributions to social growth. They are essential to the extended discussion which serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures towards conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

- 1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority.**

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept which challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. **Publishers, librarians and booksellers do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral or aesthetic views as a standard for determining what books should be published or circulated.**

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. **It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history or political affiliations of the author.**

A book should be judged as a book. No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish which draws up lists of writers to whom it will not listen, whatever they may have to say.

4. **There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.**

To some, much of modern literature is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters taste differs, and taste cannot be legislated; nor can machinery be devised which will suit the demands of one group without limiting the freedom of others.

5. **It is not in the public interest to force a reader to accept with any book the prejudgment of a label characterizing the book or author as subversive or dangerous.**

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. **It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.**

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. **It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a bad book is a good one, the answer to a bad idea is a good one.**

The freedom to read is of little consequence when expended on the trivial; it is frustrated when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of their freedom and integrity, and the enlargement of their service to society, requires of all publishers and librarians the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of books. We do so because we believe that they are good, possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours,

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, by the ALA Council and the AAP Freedom to Read Committee. **A Joint Statement by:** American Library Association & Association of American Publishers

Appendix Five

Freedom to View Statement

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantees of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials that represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989. Endorsed by the ALA Council January 10, 1990

Appendix Six

POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS*

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy that specifically recognizes its circulation records and other records identifying the names of library users to be confidential in nature.
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative power.
3. Resist the issuance of enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction. * *

*Note: See also *ALA Policy Manual 54.16 - Code of Ethics*, point #3, "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired."

**Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause of its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Adopted January 20, 1971; revised July 4, 1975, July 2, 1986,
by the ALA Council.

IMPORTANT NOTE: In Alabama, confidentiality of records is not a local library option. Confidentiality is required by § 41-8-10 of the *Code of Alabama*. See footnote 24 for additional information.

Appendix Seven

SUGGESTED PROCEDURES FOR IMPLEMENTING "POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS"

When drafting local policies, libraries should consult with their legal counsel to insure these policies are based upon and consistent with applicable federal, state, and local law concerning the confidentiality of library records, the disclosure of public records, and the protection of individual privacy.

Suggested procedures include the following:

1. The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the names of library users, will immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.
2. The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released. (The legal process requiring the production of circulation or other library records shall ordinarily be in the form of subpoena *duces tecum* [bring your records] requiring the responsible officer to attend court or the taking of his/her deposition and may require him/her to bring along certain designated circulation or other specified records.)
4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the appropriate legal officer of the institution.
5. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the responsible officer.

Adopted by the ALA Intellectual Freedom Committee,
January 9, 1983; revised January 11, 1988

Appendix Eight

GUIDELINES AND CONSIDERATIONS FOR DEVELOPING A PUBLIC LIBRARY INTERNET USE POLICY

**American Library Association
June 1998**

Intellectual Freedom's Meaning and Scope

Libraries are the information source in our society. They link individuals with the knowledge, information, literature, and other resources people seek. It is never libraries' role to keep individuals from what other people have to say.

By providing information and ideas across the spectrum of social and political thought, and making these ideas and information available and accessible to anyone who wants or needs them, libraries allow individuals to exercise their First Amendment right to seek and receive all types of information, from all points of view. Materials in any given library cover the spectrum of human thought, some of which people may consider to be untrue, offensive, or even dangerous.

In the vast amount of information on the Internet, there are some materials-often loosely called "pornography"-that parents, or adults generally, do not want children to see. A very small fraction of those sexually explicit materials is actually obscenity or child pornography, materials not constitutionally protected. The rest fall within the overwhelming majority of materials on the Internet protected by the First Amendment.

Obscenity and child pornography are illegal. Federal and state statutes, the latter varying slightly depending on the jurisdiction, proscribe such materials. The U.S. Supreme Court has settled most questions about what obscenity and child pornography statutes are constitutionally sound.

According to the Court:

Obscenity must be determined using a three-part test. To be obscene, (1) the average person, applying contemporary community standards, must find that the work, taken as a whole, appeals to prurient interests; (2) the work must depict or describe, in a patently offensive way, sexual conduct as specified in the applicable statutes; and (3) the work, taken as a whole, must lack serious literary, artistic, political or scientific value.

Child pornography may be determined using a slightly less rigorous test. To be child pornography, the work must involve depictions of sexual conduct specified in the applicable statutes and use images of children below a specified age.

Many states and some localities have "harmful to minors" laws. These laws regulate free speech with respect to minors, typically forbidding the display or dissemination of certain sexually explicit materials to children, as further specified in the laws.

According to the U.S. Supreme Court:

Materials "harmful to minors" include descriptions or representations of nudity, sexual conduct, or sexual excitement that appeal to the prurient, shameful, or morbid interest of minors; are patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and lack serious literary, artistic, political, or scientific value for minors.

Knowing what materials are actually obscenity or child pornography is difficult, as is knowing, when minors are involved, and what materials are actually "harmful to minors." The applicable statutes and laws, together with the written decisions of courts that have applied them in actual cases, are the only official guides. Libraries and librarians are not in a position to make those decisions for library users or for citizens generally. Only courts have constitutional authority to determine, in accordance with due process, what materials are obscenity, child pornography, or "harmful to minors."

Obscenity and child pornography statutes apply to materials on the Internet; such materials are currently being regulated there. The applicability of particular "harmful to minors" laws to materials on the Internet is unsettled, however. Because of the uncertainty, various federal and state legislative proposals are pending specifically to "protect" children from sexually explicit materials on the Internet.

Intellectual Freedom's First Amendment Foundations

Courts have held that the public library is a "limited public forum." "Limited" means it is a place for access to free and open communication, subject to reasonable restrictions as to the time, place, and manner for doing so. As with any public forum the government has opened for people to use for communication, the First Amendment protects people's right to use the forum without the government interfering with what is communicated there. This is the very essence of the Constitution's guarantee of freedom of speech.

In a public forum, the government is prohibited from exercising discrimination with respect to the content of communication, unless the government demonstrates that the restriction is necessary to achieve a "compelling" government interest and there is no less restrictive alternative for achieving that interest. This means public libraries cannot exclude books about abortion just because they discuss the subject of abortion. That would be discrimination with respect to content. Books can be selected on the basis of content-neutral criteria such as the quality of the writing, their position on best-seller lists, the presence or absence of other materials in the collection related to certain time periods or historical figures, and the like; they can be deselected on the basis of wear and

tear, the availability of more current materials, and similar criteria. Libraries, however, cannot deliberately suppress the record of human thought on a particular subject or topic.

Filtering and other means to block content on the Internet are mechanisms that allow discrimination with respect to the content of communication. Filters are notoriously inept at doing what computer software engineers have designed them to do -- typically, block "hard-core pornography" and other "offensive" sites on the Internet. But even at their hypothetical best, mechanisms to screen and block content on the Internet exclude far more than just obscenity and child pornography. They exclude a wide range of sexually explicit materials protected under the Constitution. For instance, materials that depict homosexual relations, variations on conventional heterosexuality, and even nudity and heterosexual relations channeled toward reproduction and family life represent distinct subjects or topics. Their suppression is discrimination with respect to the content of communication.

Filtering and other means to block content on the Internet only can be utilized if the government - in this case, the public library - demonstrate both that the need is compelling and that the method chosen to achieve the purpose is the least restrictive method possible. The lawsuit brought by the American Library Association - American Library Ass'n v. United States Department of Justice, consolidated with and decided by the U.S. Supreme Court under the name of Reno v. American Civil Liberties Union - invalidated the provisions of the Communications Decency Act of 1996 that criminalized "indecent" and "patently offensive" electronic communication. The Court did so on the ground that those provisions, suppressing speech addressed to adults, reduced the entire population only to what is fit for children. It recognized "the governmental interest in protecting children from harmful materials," but found that less restrictive means were available to achieve that interest. In the context of limiting or avoiding children's exposure to possibly "harmful" materials on library computers with Internet access, less restrictive means than the use of filters are available.

It is well documented that filtering software is over-inclusive, blocking not only sites that may have sexual content, strong language, or unconventional ideas considered harmful or offensive -- but also sites having no controversial content whatsoever. Filters are known to have blocked Web pages of the Religious Society of Friends (Quakers), the American Association of University Women, the Banned Books page at Carnegie Mellon University, the AIDS Quilt site, the Fileroom Project censorship database, and even the conservative Heritage Foundation. The fact that the site covering the recent Mars exploration was blocked by certain software because the URL contained "marsexpl" shows how crude the filtering technology truly is. Over-inclusive blocking violates the First Amendment rights of youth and children, as well as adults, to access constitutionally protected materials.

Adults cannot be reduced to the level of what is fit for children, and the public library, therefore, cannot restrict them to Internet-access computers with filtering software. Young adults and children also have First Amendment rights, although such rights are variable, depending on the age of the minor and other factors, including maturity, not yet

settled in the law. Even though minors' First Amendment rights are not as extensive as those of adults, the public library cannot restrict them solely to computers with filtering software. Libraries favor parents' control of their children's use of the Internet. Only unfiltered Internet access accommodates both parental control and sensitive recognition of the First Amendment rights of young people.

Librarians and the strength of their commitment to professional standards and values assure that, at least through the public library, the least restrictive means available to achieve the government's interest in protecting children will be implemented.

Specific Internet Use Policy Provisions

The position of the American Library Association is set forth in several documents adopted by the Council, its governing body. The *Interpretation of the Library Bill of Rights* entitled *Access to Electronic Information, Services, and Networks* calls for free and unfettered access to the Internet for any library user, regardless of age. The *Resolution on the Use of Filtering Software in Libraries* and the *Statement on Library Use of Filtering Software* reiterate the U.S. Supreme Court's declaration in Reno v. American Civil Liberties Union that the Internet is a forum of free expression deserving full constitutional protection. The *Resolution* and *Statement* condemn as a violation of the *Library Bill of Rights* any use of filtering software by libraries that blocks access to constitutionally protected speech.

Consistent with these policies, which collectively embody the library profession's understanding of First Amendment constraints on library Internet use, the Intellectual Freedom Committee offers guidelines to public libraries, as follows:

- Adopt a comprehensive, written Internet use policy that, among other things, sets forth reasonable time, place, and manner restrictions. Expressly prohibit any use of library equipment to access material that is obscene, child pornography, or "harmful to minors" (consistent with any applicable state or local law).
- Communicate the relevant policies for use of Internet-access computers to all library users, and include the parents of children who may use the library without direct parental supervision. Do so in a clear and conspicuous manner sufficient to alert library users that filtering software is not utilized.
- Post notices at all Internet-access computers that use of library equipment to access the illegal materials specified in the Internet use policy is prohibited.
- Offer a variety of programs, at convenient times, to educate library users, including parents and children, on the use of the Internet. Publicize them widely.

- Offer library users recommended Internet sites. For youth and children, especially, offer them, according to age group, direct links to sites with educational and other types of material best suited to their typical needs and interests (e.g., the American Library Association's *700+ Great Sites for Kids and the Adults Who Care About Them* and its Internet guide for young adults, *TEENHoopla*).

Answers to Objections

Various metaphors have been offered, both by opponents of free and open access in libraries, as well as proponents, to explain the use of the Internet in libraries and the impact of filtering software. Two metaphors offered by opponents and the arguments built around them deserve close examination:

The "selection" metaphor. Filtering Internet resources is tantamount to selecting materials in a library. Since libraries, opponents of unfettered Internet access say, are not constrained to select any particular materials for their collections, filtering is constitutionally unobjectionable.

This metaphor is faulty. Filtering the Internet is not selecting materials. The only selection decisions involved in use of the Internet in libraries are those as to whether, for instance, the World Wide Web will be offered with other tools based on special Internet protocols, e.g., *ftp* (file transfer protocol) or *telnet*. Selecting the World Wide Web for the library means selecting the entire resource, just as selecting *Time* means selecting the entire magazine. A library cannot select *Time* and then decide to redact or rip out the pages constituting the "American Scene" feature or the "Washington Diary." That would be censorship. It is the same with the World Wide Web. It is not an accident of terminology that the Web consists of a vast number of Web *pages* and that browser software permits the user to *bookmark* those that are interesting or useful.

The "interlibrary loan metaphor. Internet access is tantamount to interlibrary loan service. Typing a Web site URL into a browser's location entry box and pressing the <Enter> key amounts to an interlibrary loan request that the library, opponents of unfettered access say, is free to deny.

This metaphor is faulty, too. Far more frequently than typing and entering URLs, surfers of the World Wide Web click on hot links for automatic access to the Web pages they wish to see. More significantly, absent financial constraints, any public library true to its function as a public forum makes available to users any constitutionally protected material, whether that means locating the material within the library itself or obtaining it elsewhere through interlibrary loan.

As articulated by the U.S. Supreme Court in the American Library Association case culminating in Reno v. American Civil Liberties Union, the Internet represents a vast library. It is a virtual library already present within any public library that selects Internet access. The fundamental First Amendment question is: given the free availability of a near-infinite range of content on the Internet, can the library ever deliberately deprive a library user of the constitutionally protected materials he or she seeks? The emphatic answer of the librarian informed by principles of intellectual freedom is: absolutely not.

But what about obscenity and child pornography, as well as, when minors are involved, materials "harmful to minors"?

- As for obscenity and child pornography, prosecutors and police have adequate tools to enforce criminal laws. Libraries are not a component of law enforcement efforts naturally directed toward the source, *i.e.*, the publishers of such material.
- As for materials "harmful to minors," it is true that, in some jurisdictions, libraries that choose not to utilize filtering or other means to block content on the Internet may find themselves in a "bind"; under some circumstances, they may be subject to liability under "harmful to minors" laws.

Libraries should be cautioned that laws differ from state to state, and they should seek advice on laws applicable in their jurisdiction from counsel versed in First Amendment principles. In particular, they should determine whether any "harmful to minors" law applies to materials available at the library, either through Internet access or otherwise. They should specifically inquire whether they are expressly exempt from the particular "harmful to minors" laws in their jurisdiction, as libraries frequently are.

Moreover, libraries should be aware that the legal framework and context of regulation is rapidly changing; federal, state, and local governments have begun to legislate specifically in the area of library Internet use. Libraries should actively oppose proposed legislation that exposes them to new liabilities and negatively impacts intellectual freedom. As always, they should be vigilant about new regulations of free speech.

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American Library Association
Office for Intellectual Freedom
50 East Huron Street
Chicago, IL 60611
Tel: 800-545-2433, ext. 4223
Fax: 312-280-4227
E-mail: oif@ala.org

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Appendix Nine

North Shelby Library Internet Access and Procedures Policy

A Sample Policy For Alabama Libraries

The mission of North Shelby Library is to provide free, open and equal access to ideas and information to all members of the community. The Library cannot control the resources on the Internet. The Internet is forever changing. Users must understand it is impossible for the Library to prevent access to all resources that might be objectionable to some people. Users assume all responsibility for selections and information found on the Internet. In the case of minor children, the responsibility falls to the parent and / or legal guardian. It shall be the responsibility of parents and guardians, not North Shelby Library staff, to determine whether to place restrictions on their children while on-line.

Please Note:

- A. ***The North Shelby Library and all Shelby County libraries will follow and strictly enforce Alabama law 13A-12-200.3 that specifically prohibits the dissemination or display of obscene matter.***
- B. The North Shelby Library Board ascribes to the American Library Association's position on the use of filtering software as outlined in *Resolution on the Use of Filtering Software in Libraries*, adopted by the ALA Council, July 2, 1997.

Acceptable Use Policy:

1. Access to Internet web sites through the North Shelby Library is a privilege and offered on a voluntary basis. ***Library members who wish to use this resource must agree to follow library rules. The North Shelby Library holds the right to deny access to the Internet and all computer equipment to anyone who does not meet the requirements set forth in this policy and or to anyone who violates the policy.***
2. ***Computer users must sign in each time they use network computers.***

3. *All users must be registered Patrons of the Library in good standing. Each user must possess a Shelby County library card in good standing when registering for computer use. This information will be verified by a staff member each time the user signs in for use of the computer center.*
4. All minors (17 years of age or younger) must register as members of the library and a parent/legal guardian must sign giving permission for the minor to use the Internet services at the North Shelby Library.
5. *The user signing in must be the actual user; you may not use another person's library card or sign in for someone else.*
6. *Users may not access chat rooms or other "real time" discussion groups or have email accounts on the Library's network.*
7. *Attempting to access obscene, pornographic, or explicit web sites is not only inconsiderate of other library patrons; it is inappropriate at the North Shelby Library and is illegal. The Library follows and strictly enforces Alabama law 13A-12-200.3 that specifically prohibits the dissemination or public display of obscene matter. Patron privileges will be suspended if users are witnessed accessing such materials. Restoration of privileges will be determined by the Library Board.*
8. *Computer users may not utilize them to transmit any communication (such as email) where the meaning of the message would likely be highly offensive to the recipient(s), or if the messages' very transmission or distribution violates any applicable law or regulation.*
9. *Downloading of files or software from the Internet is not allowed*

10. *Computer users must not attempt to alter any network software or hardware setting, attempt to breach computer security, or damage equipment in any way.*
11. *No user will remove or alter any copyright notice contained in any materials obtained through the Internet connection.*
12. *Users will be responsible for paying any and all fees accrued while on-line. Each user is responsible for the cost of printouts.*
13. *No personal diskettes from outside the building are allowed to be used in the network computers. Diskettes are available for purchase at the Library. No diskettes can be taken out of the building and brought back for use in the Computer Center equipment.*
14. *Workstations are available to patrons needing to access, print, and/or save to files on their own diskettes. These computers are not attached to the network or the Internet.*
15. *No food or drinks at the computers.*
16. *Library staff will assist with computers as time allows, but cannot offer detailed personal instruction without a scheduled appointment.*

I have read and understand this Internet Access and Procedures Policy. As a user of the Internet I agree to abide by the established policies and procedures and waive any rights to this privilege if at any time it is found that I have abused them.

Appendix Ten

Weeding and Discarding - Sample Policy

Collection Maintenance

Collection management does not end with materials selection and acquisition. It must also include collection maintenance, which is the systematic reexamination of library materials. The goal of the library is to provide a planned and well-balanced collection for the community, so the materials must be continually and thoughtfully reevaluated to determine if they still meet the library's selection guidelines and the expectations of the community served.

Collection maintenance allows librarians to identify collection gaps, subject areas in need of updating, worn and damaged materials, and materials that have received little use. This process also provides an opportunity for librarians to evaluate areas where prior selections have succeeded or failed. BPL librarians throughout the system are responsible for reevaluating their libraries' current holdings to determine if the materials continue to be useful.

Specific purposes and goals for a comprehensive collection maintenance program include the following.

1. To maintain collections that continue to support the needs and interests of the community
2. To offer well-maintained materials to the public by removing worn and damaged materials and presenting them in a neat and organized environment
3. To make the most efficient use of space so the public has ready access to popular, current, or authoritative information
4. To reduce unnecessary duplication when popularity declines and multiple copies are no longer needed
5. To maintain the quality and integrity of the materials and information rather than merely quantity
6. To train librarians to be familiar with the collection and its use so they can make appropriate selection decisions

Weeding, Discarding, Retention, and Replacement

Weeding, discarding, retention, and replacement are activities used by librarians to maintain the library collection. These activities are put in place during periodic

review of the collection. *Weeding* is the procedure used to identify and remove worn, rarely used, or no longer needed items for discard or for transfer. *Discarding* is the official process for disposal of library materials. *Retention* is the action taken to keep materials after they have undergone review and evaluation. *Replacement* is the substitution of one item for another. The process of reviewing and evaluating materials and making decisions about their disposition is crucial for the proper maintenance of the library collection.

Weeding

Maintaining the collection is an ongoing process that is the responsibility of each branch and department head. Not only must each library acquire new material, but also the staff at each location must regularly contribute to the maintenance of the existing collection. Weeding is an integral part of this process.

Weeding requires the same care, thought, and knowledge of the subject area that selection does. Material that no longer meets the stated objectives of the library or fits the selection criteria of the individual subject area will be weeded.

The goal of the Birmingham Public Library is to provide library materials and resources that are up-to-date, attractive, and accessible for the public's use. No attempt is made to create a research collection except in the case of the Archives and Southern History departments. Retrospective holdings and the last copy for the system should be found only at the Central Library where stack shelving is available to house older or worn titles needing to be kept. Branches and regionals have open shelves and limited space, so these collections will be maintained based on current demand and need. Branch and regional collections will be fresh, inviting, well cared for, and attractive.

Weeding is essential to the ongoing maintenance of a collection. Each location will weed on a regularly scheduled basis, checking the shelves for currency, wear, gaps, etc. Routine weeding will be assigned by conspectus divisions on a monthly basis (Appendix, Annual Review by Conspectus Division). Out-of-print titles or titles that are the last copy for the system will be reviewed by the Collection Management office. Weeded titles will be sold in the annual juvenile and adult book sales or discarded. No titles will be sold to individuals.

Weeding is one of the more difficult responsibilities that the librarian faces, but it is important. Collections cannot be allowed to just grow. They require a plan because space is limited at every location, more formats are being produced, and there is greater pressure on the branch / department head to have what is useable on the shelf. Libraries need to be open and uncrowded so the public can find material quickly and easily. Time and efficiency are important both to the staff and to the public.

General considerations that are used to identify materials to be weeded include the following.

1. The material is old, out-of-date, damaged, or no longer popular.
2. The collection is not accessible. Access is an issue when collections are crowded and in poor shape because patrons and staff cannot find relevant material quickly and efficiently. When shelves are crowded, returning material takes longer, and the likelihood of material being out of order is greater.
3. The library wants to maintain the reputation of having reliable and up-to-date collections. Old, out-of-date materials may give the appearance that the staff is uncaring and unknowledgeable. When new material cannot be found, the public assumes the library has none.
4. Critically evaluating the collection helps the staff determine strengths, weaknesses, and gaps. The collection will become much stronger when it is reviewed. The staff will be more knowledgeable in reference work if they know the collection. Newer sources may give more information or information from a current perspective. Relying only on titles that staff has used over the years may provide erroneous, incomplete information, or no contemporary interpretation.
5. Juvenile nonfiction material must be accurate, have contemporary appeal, and be arranged attractively. Children do not have the life experiences or the educational background to make a judgment as to accuracy of the information or to discern whether the point of view is reflective of contemporary thinking. Children live in a very visual world. To be appealing, library material must be fresh, colorful, and illustrated primarily with photographs. Rarely will replacements be bought for juvenile nonfiction. Newer editions or newer titles will be bought instead of the identical titles.
6. Libraries weed to gain space for more heavily used material.

Weeding guidelines

Acceptable criteria for weeding include appearance, use, and content. Often a single criterion is not enough to justify weeding, so most of these guidelines are used in connection with each other. Some materials may be candidates for disposal based on these measures, while others may need to be replaced, repaired, or transferred. In some cases, a worn or damaged copy of a title may be replaced with the same title. (See Replacement guidelines below) In other cases, there may be a need for newer titles on the same subject. If it is the last copy in the system, a title still popular at other sites, or a title worthy for consideration in the perma-

nent collection, the barcode should be deleted and the title sent to Collection Management for transfer. The following guidelines are used for weeding based on appearance, use, and content.

Specific guidelines for weeding based on *appearance* are:

- Old and dirty binding, dirty covers or no dust jacket
- Illustrations out-of-date or no longer acceptable
- Pages brittle, yellow, dirty, water-damaged, smell, or are written on
- Juvenile titles with black-and-white photographs or line drawings rather than color photographs or bright illustrations
- Spines broken, pages loose or missing
- Rebound items that need binding again
- Poorly printed, hard to read

Specific guidelines for weeding based on *use* are:

- No circulation in the last three years and is not a classic
- Duplicate copies and demand no longer high
- Older edition of a title
- Too many titles in a subject area (may move to another library)

Specific guidelines for weeding based on *content* are:

- Content is too technical
- Information found in title dated or no longer correct (Appendix, Guidelines for Retiring Time Sensitive Materials)
- Viewpoint reflects bias, information presented unfairly or with no contemporary interpretation
- Information has been superseded in a newer edition
- Material never used for information
- Title not appropriate for collection

Discarding guidelines

The following procedures are used when library materials are discarded.

1. Material should be pulled from the shelf.
2. The owning library must delete the barcode from Innovative.
3. **If the title goes to the library book sale**, the ownership stamp(s) and barcode should be marked out, and other identifying labels removed.
4. The article should be stamped "Discarded."

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Birmingham Public Library
Collection Management Policy

Appendix Eleven State Aid

ALABAMA PUBLIC LIBRARY SERVICE

Library Development Division

Chapter 520-2-2

Rules and Regulations for Supplemental State Aid to Public Libraries

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520-2-2-.01 Purposes

The purposes of state aid funds are to support and improve existing libraries and library systems and to encourage the development of new library programs and services where needed.

520-2-2-.02 Definitions

- (1) **PUBLIC LIBRARY:** A public library is a library established in accordance with the *Code of Alabama* for the purpose of providing free public library service to the population in its legal service area. Public libraries may or may not have **BRANCHES** (auxiliary service outlets with quarters separate from the central library, with no less than a basic collection of materials, a regular staffing level, and an established service schedule, but without a separate policy-making board of trustees). The following are types of public libraries:

- (a) **MUNICIPAL PUBLIC LIBRARY:** A public library established and maintained by a city, town, or other municipality, whose policy-making board of trustees is appointed by the municipal authority.

(b) **COUNTY PUBLIC LIBRARY:** A public library established and maintained by a county for the use of the whole or a part of a county, whose policy-making board is appointed by the county commission.

(c) **CITY-COUNTY PUBLIC LIBRARY:** A public library established and maintained by joint contractual agreement or joint resolution between county and municipal governments, with a single policy-making board appointed in accordance with the agreements.

(d) **DISTRICT LIBRARY:** A public library serving a taxing district which has been authorized by legislative action and created by majority vote of the residents of the district, whose policy-making board is elected in accordance with the provisions of the legislative action.

(2) **PUBLIC LIBRARY SYSTEM:** An organization composed of **PUBLIC LIBRARIES** and formed for the purpose of providing library services within a framework of written contracts; a public library system may also have contracts with county commissions or municipal governments for the system to provide library services to county or municipal residents who would otherwise be unserved.

(3) **SYSTEM HEADQUARTERS:** A site designated through contractual agreement to serve as administrative center for a **PUBLIC LIBRARY SYSTEM**. A system headquarters may serve any function established by contract.

(4) **LEGAL SERVICE AREA:** The legal service area of a library is the population within the boundaries of the geographic area the library is established to serve. A library may contract, in writing, to provide service to population outside its legal service area at the discretion of the library board of trustees. The following describe legal service areas of different types of libraries:

(a) The legal service area of a **MUNICIPAL LIBRARY** is the area within the municipality's corporate limits, regardless of county lines.

(b) The legal service area of a **COUNTY LIBRARY** is the area within the county boundaries.

(c) The legal service area of a **CITY-COUNTY PUBLIC LIBRARY** is all of the area within the corporate limits of participating municipalities and within the county.

(d) The legal service area of a **PUBLIC LIBRARY SYSTEM** consists of the legal service areas of the public libraries belonging to the system and

any additional area(s) for which the system contracts to serve with the appropriate governing body.

(e) The legal service area of a DISTRICT LIBRARY is the area of the taxing district authorized by legislative action and approved by majority vote of the population within the district.

- (5) STATE AID: Funds appropriated by the legislature as a supplement to local funds designated for the provision of library service.

(a) State aid funds are distributed quarterly by the Alabama Public Library Service on a per capita basis for the respective legal service areas and any area served contractually; population figures used are the most recently published Bureau of the Census population estimates.

(b) Where legal service areas overlap, as in the case where there is both a COUNTY LIBRARY and a MUNICIPAL LIBRARY serving the same population, state aid funds for that part of the population shall be distributed in accordance with the terms of an annually renewed written agreement between the library boards. In order for first quarter funds to be distributed on schedule, a current copy of the agreement must be on file at APLS by October 1. If no contract has been filed with APLS by the beginning of the second quarter, all state aid funds for the county population residing within the municipality will be divided equally between the COUNTY LIBRARY and the MUNICIPAL LIBRARY, with funds for first and second quarters distributed during the second quarter and with remaining funds distributed on the regular quarterly schedule.

- (6) NON-CAPITAL FUNDS: Non-capital funds are those funds appropriated for normal/routine operations. They do not include funds specifically designated for the acquisition of and/or improvement to real property (buildings, land, etc.).

52O-2-2-.03 Library Establishment. Policy and Service Requirements

To qualify for state aid, public libraries (whether or not they are members of systems) and public library systems must comply with the appropriate requirements as follows:

- (1) A public library and a public library system must be legally established according to the *Code of Alabama* 1975, 11-90-(I-4). A copy of the ordinance or resolution establishing the public library and copies of public library system contracts must be on file with the Alabama Public Library Service (APLS).
- (2) In order to receive state aid, a library board must:
 - (a) Notify APLS of official board appointments and the terms to be served within 30 days of the appointment:
 - (b) Meet a minimum of four times a year;
 - (c) Have written bylaws governing its functions; Approve written policies for the public library which cover the following:
 1. Library objectives,
 2. Patrons,
 3. Personnel, including memberships in professional organizations, attendance at professional meetings, grievance procedures, job descriptions, performance evaluations, etc.
 4. Cooperation with other libraries,
 5. Public relations,
 6. Materials selection policies,
 7. Regular services and special services to groups, the handicapped, non-resident borrowers. shut-ins, etc.
 8. Overdue fines and other fees and charges,
 9. Gifts and memorials,
 10. Physical facilities,
 11. Other.

(e) The public library must develop a written five-year, long-range program of service that will be reviewed and updated each year. The program should include as a minimum but not limited to:

1. The community's information needs and services,
2. Staff development,
3. Collection development,
4. Capital expansion.

- (3) The public library must employ a head librarian qualified to serve the needs of the public. Library administrators should participate in APLS-sponsored in-service training programs (workshops, administrators' meetings, conferences, etc.). Directors of regional libraries must attend at least two administrators, meetings each year. Directors of member and non-member public libraries should attend at least one administrators' meeting each year.
- (4) The public library must not deny service to anyone on the basis of age, race, sex or creed.
- (5) A public library must be open to serve the public at least the specified number of hours per week based on the following scale:

minimum hours open	population served
50	over 100,000
45	50,000-100,000
40	25,000- 49,999
30	10,000- 24,999
20	5,000 - 9,999
16	under 5,000

- (6) If a public library system headquarters provides direct patron services on-site (as opposed to extension services provided off-site), the system headquarters must be open the number of hours required in (5) above, based on the population of the county in which the system headquarters is physically located.
- (7) Each library must strive to have a well-balanced collection of not less than one volume per capita and not less than 1.5 currently useful items per capita. The term "item" is intended to include books, non-book materials such as recordings, films, filmstrips, prints and cassettes.

52O-2-2-.04 Fiscal Requirements

- (1) A public library must have a current budget, and the participants of a public library system must have a cumulative total current budget, based on locally-appropriated non-capital funds, of not less than the amount of state aid for which the library or system is eligible nor less than the previous year's budget. Locally appropriated non-capital funds may include a combination of municipal or county funds appropriated to the library or system budget and in-kind funds expended directly by Local governments for public library services.

(a) If locally appropriated funds received are not sufficient to match for state aid and/or if the locally appropriated funds received are reduced from the previous year. the amount of state aid for the current fiscal year will be reduced by an amount equal to the difference between the current locally appropriated funds received and the average of the locally appropriated funds received for the previous two (2) fiscal years.

Example of the effect of a local budget reduction, assuming a population of 10,000 and \$1 per capita state aid:

Local budget:	1990	\$18,000	State aid:	\$10,000
Local budget:	1991	\$20,000	State aid:	\$10,000
Local budget:	1992	\$18,000	State aid:	\$ 9,000*
Local budget:	1993	\$18,000	State aid:	\$10,000**

*(State aid is reduced by the \$1,000 difference between the \$19,000 average of the previous two years and the \$18,000 amount budgeted for 1992).

** (State aid reverts to total eligible amount because the state aid amount is matched and there is no further local budget reduction.)

(b) A multi-county regional library can qualify for the total state aid amount for which it is eligible even if any county or municipality within the region is unable to match for its share, provided that supplementary local appropriations from other member counties or municipalities are available to match for the necessary amount of state aid. State aid funds received by a regional library by this method can only be used in the counties or municipalities providing the supplementary funds.

(c) No more than fifty percent (50%) of a library's state aid funds will be used for salaries during any fiscal year.

(d) No state aid may be used for construction. remodeling or alteration of buildings.

- (e) If state aid funds are used for a non-allowable expense, such funds must be replaced with local, money, or the amount must be returned to APLS.
- (2) Where a public library system exists. all state aid funds for libraries or governmental units contracting to participate in the system will be forwarded to the system headquarters, providing that copies of the annually reviewed contracts are sent to APLS prior to receipt of state funding.
 - (3) State aid funds will be distributed directly to eligible public libraries that are not in systems.
 - (4) Changes in the distribution of state aid can only be made at the beginning of the APLS fiscal year and under the following conditions:
 - (a) A public library that wishes to change its status as a state aid recipient by either joining or withdrawing from a system must file written notification with APLS and the system headquarters by July 1 to insure provision of state aid by October 1.
 - (b) A public library that is not currently receiving state aid, but wishes to do so, must file written notification with APLS, and submit documentation that it *meets* the requirements of 520-2-2-.03 above, by August 1 in order to receive state aid by October 1.

520-2-2-.05 Audit Requirements

- (1) A library must have an annual external audit of state aid funds made by a licensed public accountant and must file this audit with APLS by January 2 of each year.
- (2) Audits will be conducted in compliance with generally accepted auditing standards including, but not limited to, verification that prorated expenditures are allocated correctly among appropriate funds sources.
- (3) The auditor should stress the "compliance" aspect of the audit and his "unqualified" opinion is an objective which the library strives for in the administration of its financial affairs.
- (4) Because many libraries provide audits for users other than APLS, we suggest the auditor be instructed to include a consolidated statement of all cash receipts, disbursements and encumbrances.

520-2-2-.06 State Aid Documentation Requirements

All documentation required for the receipt of state aid must be filed with APLS by the deadlines specified below or within 30 days of mailing of forms from APLS. Filing of documentation with APLS after a deadline may result in delay in receipt of state aid funds.

<u>Required documentation</u>	<u>July 1</u>	<u>Aug.1</u>	<u>Oct.1</u>	<u>Dec.1</u>	<u>Jan.2</u>
(1) Notification of change in system membership status:	X				
(2) Documentation of new eligibility to receive state aid:		X			
(3) State aid application form:			X		
(4) Projected state aid expenditure form:			X		
(5) Copies of contracts from public library systems:			X		
(6) Copies of contracts between county and municipal libraries:			X		
(7) Annual statistical report form:				X	
(8) Audit:					X

520-2-2-.07 Appeal Process

- (1) A public library or public library system that fails to meet any of the Rules and Regulations for State Aid may request special consideration by writing the Director of the Alabama Public Library Service.
- (2) Any and all of these rules and regulations may be waived by a majority vote of the Executive Board of the Alabama Public Library Service.

Author: Eugene C. O'Donnell. APA Secretary

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